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FEDERAL DRUG INTERDICTION: ROLE OF THE DEPARTMENT OF DEFENSE

HEARING

BEFORE THE

PERMANENT
SUBCOMMITTEE ON INVESTIGATIONS

OF THE

COMMITTEE ON
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

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FEDERAL DRUG INTERDICTION: ROLE OF THE DEPARTMENT OF DEFENSE

FRIDAY, JUNE 9, 1989

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:02 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Sam Nunn (Chairman of the Subcommittee) presiding.

Present: Senators Nunn, Levin, Kohl, Stevens, and Cohen.

Also present: Senator Warner.

Subcommittee staff present: Eleanore J. Hill, chief counsel; John F. Sopko, deputy chief counsel; Daniel F. Rinzel, minority chief counsel; Mary D. Robertson, chief clerk; Harold B. Lippman, investigator; Cynthia Comstock and Mariea Sweeney, staff assistants; Paul Owens, minority staff assistant; Jon Chasson, GAO detailee; Gregory Schicchitano and Michael Lawrence, minority interns.

Other staff present: Steven Ryan and Don Goldberg (Senator Glenn); Scott Williams (Senator Nunn); Keneen Peck (Senator Kohl); Rosemary Warren and Bruce Singleton (Senator Sasser); Anne Lewis (Senator Levin); Kim Corthell and Chris Mellon (Senator Cohen); Eric Whitaker (Senator Rudman); Ellice Halpern Barnes (Senator Stevens); Pat McCartan and Dudley Carlson (Senator Wilson); and Les Brownlee (Senator Warner).

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

Pursuant to Rule 5 of the Rules of Procedure of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, permission is hereby granted for the Chairman, or any member of the Subcommittee as designated by the Chairman, to conduct open and/or executive session hearings without a quorum of two members for the administration of oaths and the taking of testimony in connection with hearings on Federal Drug Interdiction: The Role of the Department of Defense, to be held on June 9, 1989.

SAM NUNN, *Chairman.*
WILLIAM V. ROTH, JR., *Ranking Minority Member.*

OPENING STATEMENT OF SENATOR NUNN

Senator NUNN. The Committee will come to order.

Today we continue the work started almost a year ago in several days of joint House and Senate Armed Services Committee hearings. At that time we reviewed the critical question of how to effectively and responsibly involve the military in the war on drugs.

Those hearings occurred against the backdrop of widespread frustration and discontent with the apparent failure of our Nation's anti-drug effort. Unfortunately, nearly a year later, our frustration and discontent with the drug epidemic that continues to rage unchecked is, if anything, greater than ever.

The testimony we received in last year's hearings, as well as the extended legislative debate and House/Senate negotiations that followed, firmly established that there is a wide range of opinion on just what constitutes the most reasonable and effective use of the military in the war on drugs. Clearly, almost all Americans are united in demanding an end to drug abuse. Just as clearly, almost all Americans believe that the military to some extent should assist in that effort. However, there remains considerable controversy and debate as to just how this should be done. Is providing training, equipment and intelligence enough? Do we want our military to become the new "front line" in the drug war, with search, seizure, and arrest authority over civilians?

Such were the questions we addressed in the joint hearings and that Congress considered in creating and crafting a new anti-drug role for the military in last year's Defense Authorization Act. As signed into law on September 29, 1988, the Act significantly expanded military assistance in the fight against drugs in three different ways:

One, for the first time, the Department of Defense was given a specific mission in the war against drugs via its being designated as the single lead agency for detecting and monitoring the aerial and maritime transit of illegal drugs into the United States.

Two, the Department of Defense was required to integrate the command, control, communications, and technical intelligence (C-3I) assets dedicated to drug interdiction into an effective communications network.

Three, the Secretary of Defense was required to enhance the role of the National Guard in support of drug interdiction and enforcement efforts.

These provisions represented a major new role for the military and were passed in the hope that the Department's expanded responsibilities would substantially enhance our Nation's drug interdiction efforts. In doing so, however, the Congress recognized that even this new military role would certainly not solve the drug problem single-handedly.

In the Conference Report that accompanied the Defense Authorization Act , the conferees stated: "while interdiction must remain a necessary component of any national anti-drug strategy, the conferees believe that we should reconsider the past Federal emphasis on interdiction and other supply-side efforts and develop a more balanced approach placing greater reliance on demand-reduction programs." This observation, I believe, is particularly important in the context of this morning's hearings. If news reports and statistical studies on drugs and drug-related violence are any indicator, we can hardly declare victory in the drug war, even though we have enlisted the added support of the Department of Defense.

The recently released National Narcotics Intelligence Consumers Committee (NNICC) report finds that despite record seizures, cocaine and other dangerous drugs are readily available on any

street in the United States. Using the best and most accurate indicators of the extent of the drug problem—price and purity—the NNICC report concludes that the price of cocaine is at the lowest level reported to date. Based upon analyses performed by Drug Enforcement Administration (DEA) laboratories, its purity is at the highest level ever recorded—85 percent pure per kilogram, 80 percent pure per ounce, and 70 pure per gram. In addition, the number of cocaine-related hospital emergencies reported by the Drug Abuse Warning Network during 1988 was the highest ever recorded.

I remember very well back in the mid-1970s when Peter Bensinger, head of the DEA at that time, came before this Subcommittee and was asked what the indicators are that we need to be conscious of in determining whether we are succeeding in the fight against drugs. He named three that I recall. One was the purity level of the drugs. If the purity level is high, it means that a lot of drugs are coming in. Another indicator was the price. If the price is low, that means we are not winning because it also indicates that the drug supply is very, very large. The third indicator was the number of hospital emergency room admissions.

Using Mr. Bensinger's indicators, the recent statistics cited in the NNICC report graphically depict the ominous direction that cocaine abuse trends are taking. They also present a useful reminder to all of us today as to the bottom-line realities of the drug problem: with wholesale drug prices falling, purity rising and violence spreading, our current drug strategy is obviously not working.

This last point is especially important in light of this morning's expected testimony from the General Accounting Office on its just completed study of our Government's air interdiction efforts. That study, which took 18 months to complete, calls into question some of the underlying assumptions that have guided our past and present interdiction activities. It clearly raises important questions about what our priorities are and where they should be placed in terms of devoting additional resources to our overall drug strategy.

The bottom-line question for the average American is not which agency is involved in interdiction or what type of hardware is used in such anti-drug efforts. The average person doesn't have time to worry about whether it is the military, the Customs Service, or the Coast Guard. Neither is he particularly interested in whether the Government uses aerostats, P-3, E-2C, or AWACS aircraft.

What the average American taxpayer wants to know is whether we can keep drugs off his street and out of his children's school and playground. The bottom line for the average American can be reduced to a few fundamental policy questions. Does interdiction work? Will the Department of Defense's new mission help it work better? I hasten to add that the Defense Department is just getting started and we should not therefore make the mistake of saying that it is responsible for the above-mentioned statistics. They have just been given this mission, and I think that is an important point to keep in mind for this morning's hearing. Finally are there areas other than interdiction where money and resources would work better, for instance, if we put an equivalent amount of money in police, prosecutors, prisons, treatment, education or health programs?

These are the questions we have to answer. With limited financial resources, we are at a point where we may have to make some very difficult choices if we are ever going to solve this most difficult problem of all—the curse of illegal drugs.

I want to thank Senator Roth, Ranking Member of the Permanent Subcommittee on Investigations, and his staff for their splendid cooperation in putting together today's hearing. I also want to thank Senator Warner, who has worked hand-in-hand with me as Ranking Member of the Armed Services Committee. In a way, I am wearing two hats this morning; one as Chairman of the Permanent Subcommittee on Investigations (PSI) and the other as Chairman of the Armed Services Committee. Although this is officially a PSI hearing, the Armed Services Committee is vitally involved in these issues and will be having a hearing sometime in July, in conjunction with this year's defense authorization bill, to update the questions that we have just posed.

[Prepared statement of Senator Nunn follows:]

PREPARED STATEMENT OF SENATOR NUNN

Today, we continue the work started almost one year ago to the day before an unprecedented joint House and Senate Armed Services hearing which reviewed the critical question of how to effectively and responsibly involve the military in the war on drugs. Those hearings occurred against the backdrop of widespread frustration and discontent with the apparent failure of our nation's anti-drug effort. Unfortunately, nearly a year later, our frustration and discontent with a drug epidemic that continues to rage unchecked, as, if anything, greater than ever.

At the time of last year's hearings both the House and Senate had recently approved legislation in their respective defense bills containing divergent proposals for an expanded military role. Both versions, in response to calls for greater use of the military, substantially expanded their role, with the House going so far as to require the military to "substantially halt" the smuggling of drugs within 45 days.

The testimony we received in last year's hearings, as well as the extended legislative debate and negotiations that followed, clearly established the fact that there is a wide range of opinion on just what constitutes the most reasonable and effective use of the military in the drug war. Clearly, almost all Americans are united in demanding a stop to drug abuse. Just as clearly, almost all Americans probably believe that the military, to some extent, should assist in that effort. But there remains considerable controversy and debate as to just how this should be done. Is providing training, equipment, and intelligence enough? Do we want our military to become the new "front line" in the drug war, with search, seizure, and arrest authority over civilians?

Those were the types of questions that we addressed last year and that Congress considered in crafting a new military role in the drug effort in last year's Defense Authorization Act. As signed into law on September 29, 1989, the Act significantly expanded military assistance in the fight against drugs in three different ways:

1. For the first time, the Department of Defense was given a specific mission in the war against drugs: the act designated the Department of Defense as the single lead agency for the detection and monitoring of the aerial and maritime transit of illegal drugs into the United States. As lead agency, Congress held DoD responsible for coordinating all air and sea surveillance activities of the federal government, including the elimination of unnecessary duplication and waste;

2. The Act required the Department of Defense to integrate the command, control, communications and technical intelligence (C-3I) assets dedicated to drug interdiction into an effective communication network; and,

3. The Act required the Secretary of Defense to enhance the role of the National Guard in support of drug interdiction and enforcement.

These provisions represented a major new military requirement and were passed in the hope that this new mission for the Department would substantially enhance our nation's drug interdiction efforts. By putting the expertise and technical know-how of the Department at the disposal of our law enforcement community, Congress hoped to correct some of the problems that had plagued interdiction efforts in the past. In doing so, however, Congress recognized that even this new military role

would not singlehandedly solve the drug problem. In the conference report that accompanied the Defense Authorization bill, the conferees stated:

". . . while interdiction must remain a necessary component of any national anti-drug strategy, the conferees believe that we should reconsider the past federal emphasis on interdiction and other supply-side efforts, and develop a more balanced approach placing greater reliance on demand-reduction programs."

That observation is, I believe, particularly important in the context of this morning's hearing. If news reports and statistical studies on drugs and drug-related violence are any indicator, we can hardly declare victory in the drug war, even though we have now enlisted the added support of the Department of Defense. The recently released National Narcotics Intelligence Consumers Committee (NICC) report finds that despite record seizures, cocaine and other dangerous drugs are readily available on any street in the United States. Using the best and most accurate indicators of the extent of the drug problem—price and purity—the NICC report concludes that the price of cocaine is at its lowest level reported to date. Based upon analyses performed by DEA laboratories, its purity is at the highest recorded levels—85% pure per kilogram, 80% pure per ounce and 70% pure per gram

In addition, the number of cocaine-related hospital emergencies reported by the Drug Abuse Warning Network (DAWN) during 1988 was the highest ever recorded. During 1988, 42,491 cocaine-related hospital emergencies are projected by DAWN, compared with 32,528 during 1987. This was a 30% increase over the 1987 record total. Since 1984, there has been a fivefold increase in the number of cocaine emergencies.

These statistics graphically depict the ominous direction that cocaine abuse trends are taking. They also present a useful reminder to all of us today as to the bottom-line realities of the drug problem. With wholesale drug prices falling, purity rising and violence spreading, our current drug strategy is obviously not working.

Frustrated by that fact, some have already suggested drastically altering the role of the military once again even though the Department has not yet completed implementation of the mission we gave it last year. Others have suggested diminishing the military role in favor of increasing funding for interdiction efforts by other federal agencies.

It seems to me that it is clearly time for an assessment not only of how the military is carrying out its new role in drug interdiction but also of just what we can reasonably expect, in terms of effectiveness, from interdiction efforts, whether carried out by the military or by civilian law enforcement agencies.

This last point is especially important in light of this morning's expected testimony from the General Accounting Office on the details of a recently completed study on our government's air interdiction program. That study, which took eighteen months to complete, calls into question some of the underlying assumptions that have guided our interdiction strategy. It clearly raises important questions about where our priorities should be in devoting additional resources to an overall drug strategy.

Although today's hearing will focus on the important question of how effectively the Department is carrying out its mission in the drug area, we cannot forget the inevitable questions that the NICC statistics raise about the ultimate success of our current overall drug strategy.

The bottom-line question for the average American is not which agency is involved in interdiction, or what type of hardware is used in such a mission. He doesn't care if it's the military, the Customs Service or the Coast Guard. He is not particularly interested in whether the Government uses aerostats, P-3s or E-2Cs.

The bottom-line for the average American taxpayer is whether you can keep drugs off his street and out of his children's school and playground. To him, the NICC statistics are the bottom-line—a constant trend toward greater availability of drugs as reflected in decreasing price and increasing purity.

The bottom-line for the average American can be reduced to a few fundamental policy questions. Does interdiction work? Will DoD's new mission help it work better? Are there other areas where money and resources would work better—police, prosecutors, prisons, treatment and education programs?

These are the underlying policy questions that face us today. This country's future demands that we not relegate them to empty rhetoric and easy but misguided solutions. With limited financial resources, we are at a point where we may have to make some difficult choices, if we are ever going to solve perhaps our most difficult problem of all, the curse of illegal drugs.

Senator NUNN. At this point, let me ask if there are any other opening statements this morning?

Senator Cohen.
Senator COHEN. No, Mr. Chairman.
Senator NUNN. Senator Warner.

OPENING STATEMENT OF SENATOR WARNER

Senator WARNER. I would simply add that the drug problem in America today is far more serious than any known threat that we currently face from the world of Communism. Therefore, we must determine how we can reprioritize our assets in this country and mobilize them in a concerted effort to stamp out the drugs.

Mr. Chairman, you said in one point that the policy is not working today, but in fairness to the President and his appointee, the Drug Czar, Dr. Bennett, and others, they are just getting underway. I think you later said in your statement that the Department of Defense is beginning to shoulder willingly its share of the burden. The Department of Defense is but one part of the equation in the overall struggle to control drugs.

And while certain portions of the GAO report this morning pragmatically assess certain aspects of the interdiction role, I would not want to have this hearing portrayed as indicating that these efforts have not worked as well as we had originally envisioned. I hope we include all aspects of the DoD contribution, which on the whole, I believe will be reflected as a result of the testimony we are going to hear as a plus in our war on drugs thus far.

Senator NUNN. Thank you, Senator Warner.
Senator Kohl?

OPENING STATEMENT OF SENATOR KOHL

Senator KOHL. Just briefly, Chairman Nunn. I am disturbed by the trend of our analysis and some of the conclusions that we tentatively are reaching with respect to interdiction, preventing the supply of drugs from reaching our shores. It seems to me that if we don't win that war, it is going to be awfully hard to win the war on drugs. Any country which lets a large supply of cheap drugs overrun the country would find itself in an impossible position to do anything with respect to eliminating the problem, or even greatly reducing it.

I cannot imagine how—given the supply of drugs in this country, available at a very cheap price and in unlimited fashion—you are going to fight a war successfully.

So this business of preventing drugs from reaching our shores, it seems to me, is something that we cannot afford to disregard or lose.

I cannot understand how we are unable to prevent drugs—poison—from being manufactured, produced and then exported into our country. We are dealing with countries south of the border in the main who, for example, don't have an economy that is as large as one percent of our budget. Our budget is in excess of $1 trillion. If you took one percent of that, that is $10 billion. The overall cost of drugs in this country is probably much, much more than $10 billion. If you took one percent of what we are spending in this country and spent it trying to work with the nations south of the border, helping them to structure an economy that does not

need drugs, so that they would be willing and in a position to go in and root out the manufacture and export of drugs, it seems to me we would be doing ourselves and them a favor. This is not exactly what we are talking about here today, but allowing countries to manufacture and export drugs into this country—we cannot afford to lose that. We have to win that battle.

I am very pleased that we are here today so we can have a chance to talk about interdiction.

Thank you, Mr. Chairman.

Senator NUNN. Thank you very much, Senator Kohl.

I have a statement for Senator Sasser who was unable to attend today's hearing and I would like to have it inserted into the record at this point.

[The opening statement of Senator Sasser follows:]

OPENING STATEMENT OF SENATOR SASSER

Mr. Chairman, it's a pleasure to be here this morning.

First of all, I want to compliment you on holding these hearings and to recognize your work in defining the role of the military in our anti-drug efforts.

I was a coauthor, together with the chairman, of last year's amendment to the Department of Defense authorization bill which gave new and important missions to the Department of Defense in the area of drug surveillance. That amendment required long and detailed discussions to ensure, first, that we were using available military resources in ways that would be most effective; and, second, that we were not asking the military to perform tasks to which they are not suited or which would be unacceptable to the American people.

Now that we are well into the fiscal year, it is appropriate to review how the Department is interpreting and implementing this new law. Today's witnesses will provide much useful information on both the effectiveness of interdiction in general and the military's role in that task.

Frankly, I am concerned with the Government Accounting Office report on interdiction. While interdiction alone cannot eliminate the drug problem, I believe there is a role for interdiction in our anti-drug efforts.

I am concerned that just as we don't oversimpify the solution and say that interdiction is the total answer, we don't over simplify the problem and say that there is no role for interdiction just because it doesn't provide magic answers to the drug problem. We cannot simply throw up our hands and say we're not even going to try to reduce the flow of drugs into our country.

There is no quick fix in the war on drugs. If we are to be successful in ridding our society of this curse, we must act on all fronts. Interdiction is one component of that effort.

One issue we should discuss this morning is what kind of interdiction works or does not work. We need to concentrate our resources in areas that can have an effect.

I was particularly pleased to be involved in drafting the section of last year's amendment that earmarks up to $60 million to expand the role of the National Guard in drug enforcement and interdiction. Activities by State Guard units are designed so as not to detract from Guard routine training missions and the Guard's support of the national defense and the total military force. Rather they are designed to maximize the training value of the activity.

Let me offer a couple of examples of what just a portion of that $60 million could buy. For only $20 million we could provide continuous oncall availability of an Army National Guard drug surveillance team and an Air Guard ground-based radar control unit to assist civil drug enforcement agencies. Or, Army Guard drug surveillance teams could provide more than 10,000 flying hours in support of civil drug interdiction efforts.

My own State of Tennessee is a perfect example of the problems of interdiction and of the ways in which the military can play a significant and positive role in ending the epidemic that afflicts our land. Tennessee is within easy range of aircraft commonly used by drug smugglers flying from South America. It contains many small rural airports and airstrips that are particularly vulnerable to use by drug smugglers. Law enforcement officials in my State have identified over 30 such airports.

Law enforcement officials in Tennessee have described to me, and I have read the investigative reports, of drug smugglers landing at a small mountain airport in the night. Local law enforcement had heard it would happen, but they simply could not get there fast enough, with enough manpower, to get the job done. With the tracking ability and the airlift capacity of the National Guard, they could identify the flight and get there in time to apprehend smugglers.

The ability to do all this, however, depends on surveillance information from further down on the coast, and in the gulf. Interdiction is an inter-related process and I believe it is important to identify the most effective way to allocate our interdiction resources.

So, I look forward to hearing from our witnesses today and I commend them on their dedicated public service to our country.

Senator NUNN. Senator Cohen.

OPENING STATEMENT OF SENATOR COHEN

Senator COHEN. Just one point, Mr. Chairman. I wanted to associate myself with not only your remarks but those of my colleague Senator Warner. Senator Warner did make the point that the threat of drugs is far more important to our country than the threat of Communism. I would only add a footnote, that "narco-terrorism" as it is labelled is not unrelated to some of the Communist insurgents, especially in Latin America. I think something we have to focus on, especially when the Department of Defense starts to testify, is that there is a direct connection between the funding of some of the guerilla activities, insurgent activities, in various countries and the drug trade itself. So while the drug threat may be greater than the threat of Communism, there is a linkage, at least, in some parts of the world.

Senator NUNN. Thank you very much, Senator Cohen.

Senator Stevens, we welcome you this morning and are delighted to have you.

Senator STEVENS. I am delighted to be here. I have another meeting, and I would be happy to have the statements of the witnesses. Go ahead.

Senator NUNN. Good. I have a statement for the record by Senator Coats that will be introduced without objection.[1]

Mr. Jones, Mr. Vialet and Mr. Laughlin, we are delighted to have you here today.

Mr. Jones is the Director of Administration of Justice Issues within the General Accounting Office's (GAO), General Government Division. He oversees much of GAO's investigative work on illegal drugs and the response of U.S. law enforcement and judicial agencies.

Joining Mr. Jones are Mr. John Vialet, an Assistant Director in the Administration of Justice Issues group, and Mr. Ed Laughlin, a Project Manager within the group. Mr. Vialet has produced a number of reports relating to drugs and the activities of various U.S. law enforcement agencies. He is currently working with Mr. Jones on PSI's behalf to produce a new study on the impact of drug-related violence on the Nation's criminal justice system. Mr. Laughlin also has had a great deal of experience with drug and law enforcement issues. He served as the evaluator-in-charge of the in-

[1] See p. 84.

vestigative team that developed the report on air interdiction to be discussed this morning.

We appreciate you being here. We have had splendid cooperation from your group. As all of you know, having testified before this Subcommittee before, we swear in all of our witnesses, so before you begin, I'll ask you to stand and take the oath: Do you swear the testimony you give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JONES. I do.

Mr. VIALET. I do.

Mr. LAUGHLIN. I do.

Senator NUNN. Thank you.

Mr. Jones, we'll ask you to lead off and call on your associates as you see fit.

TESTIMONY OF ARNOLD P. JONES, DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES, GENERAL GOVERNMENT DIVISION, U.S. GENERAL ACCOUNTING OFFICE,[1] ACCOMPANIED BY JOHN VIALET, ASSISTANT DIRECTOR, AND EDWARD LAUGHLIN, PROJECT MANAGER

Mr. JONES. Mr. Chairman and other members, we are very pleased to be here today to share with you what we found in response to the charge put to us in law.

As you recall, Mr. Chairman, just about a year ago I fortunately accompanied Comptroller General Bowsher when he testified before you in your capacity as Chairman of the Armed Services Committee, on Federal drug abuse control policy and the role of the military.

My remarks today are intended to build on that testimony, and I will be focusing those remarks today, more specifically on airborne drug interdiction programs. It is very, very important that we recognize that that is all we are talking about. We are talking about the capability of the Government to interdict smugglers who would use small private aircraft to smuggle drugs of all varieties, primarily cocaine and marijuana, into the country.

We just released a report yesterday on air interdiction—and it has been in the press and was in the Washington Post this morning on the Federal Page—and it is entitled, "Drug Smuggling: Capabilities for Interdicting Private Aircraft are Limited and Costly." This is the third and last in a series of reports responding to requirements of Section 1241 of the National Defense Authorization Act for Fiscal Years 1988 and 1989. Printed copies will be available soon. What you have is a pre-publication report. It is a fully board-certified, legitimate GAO report; the blue covers will be issued shortly.[2]

With your permission, I would like to submit my statement for the record and maybe highlight some things for you, Mr. Chairman.

Senator NUNN. Without objection, you full statement will be put in the record.

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[1] See p. 57 for Mr. Jones' prepared statement.

[2] See p. 156.

Mr. JONES. Let me get to the bottom line of our report because I think it is important to set the stage. It is simple. Air interdiction programs are very costly, and they have limited capabilities. Air interdiction programs have resulted in the seizure of substantial amounts of drugs. These seizures are small compared to the amounts that are successfully smuggled into the United States.

In light of increasing availability at the street level—and I think there are charts up there that indicate that [1]—look at the purity indicator from 1985 through 1988; look at the retail price, and look at the wholesale price—in light of that increased availability, we are not convinced that spending additional millions of dollars—and I have to repeat, we are not convinced that spending additional millions of dollars—to expand air interdiction programs is the best use of increasingly scarce resources that are being made available for Federal anti-drug efforts.

Now, the General Accounting Office and Arnold Jones in particular do not have—because we have limited data—any evidence to draw a conclusion as to where the most effective use of limited funds should be placed. What we are saying today is that as the Senate and the House and Mr. Bennett attempt to come up with a more effective strategy that you should look at the airborne drug interdiction program, because we are spending lots of money there, to effect improvements in the capability of the system to identify smugglers. You will see significant costs at debateable increases in the ability to affect the supply of drugs where it counts—on the street.

Now, with your indulgence, I'd like to provide a little background, because it is important to set the stage. That was the bottom line of this GAO report. It is the bottom line of 18 months of work. It builds on the work we did for you last year. Mr. Bowsher suggested in his testimony to you that we have to start thinking about alternative approaches, new fronts in the battle in fighting the war on drugs.

We know that Federal efforts to control airborne drug smuggling have increased during the eighties. We have a chart here—and that chart is in our report, by the way. We are looking at airborne drug interdiction funding from 1982 through 1989, in millions of dollars. We have a total of about $18 million in 1982, and now we are talking about $204 million in 1989.

These amounts don't include approximately $330 million authorized in fiscal 1987 for DoD assistance to civilian air interdiction agencies.

Now, what are the results of this air interdiction program and all of this money? Again, in fairness to Customs, the Coast Guard and all the players, these programs have resulted in the seizure of substantial amounts of drugs; that's a fact. In fiscal 1987, about 28 tons of cocaine were seized through these programs, or about 55,000 pounds. That is a lot. But as we see from the charts, despite a seizure of 55,000 pounds of cocaine in fiscal 1987, the trend shows increasing availability at the street level. Purity at the street level is

[1] See pp. 82, 83.

about 70 percent now—and when I say street level, I mean retail level. Price is plummeting. That is the bottom line.

The Customs Service averaged about five interdictions of drug smuggling aircraft per month over the fiscal year period 1983 through 1987. Many of these seizures were byproducts of controlled deliveries. By "controlled deliveries", I mean an arrangement made between the agencies and an adjunct, an undercover person, to say let's allow these drugs to penetrate the borders to see who is to receive them and to see where they go. The idea there is to identify and arrest those people who are importing it, not so much the courier.

Senator NUNN. Let me ask you a question on that point if I could interrupt, because I think this is important.

Mr. JONES. Certainly.

Senator NUNN. You are saying that a large percent—I think in your report you said 40 to 50 percent—of the Miami region's air interdiction seizures resulted from intelligence information that let us know in advance what was going to happen.

Now, do we conclude from that that without the air interdiction resources, these kinds of arrests could have been made, or were those resources necessary—the radar, the planes, and all of those—were they necessary in order to find where those drugs were going and to make the arrests on the ground?

Mr. JONES. In the case of controlled delivery, that was independent of the technology. That was done in advance. In other words, I am a plant, I am an undercover DEA agent, and we are arranging for a shipment of 10 tons of cocaine. I may be a pilot, I may be a paid informant. I let the system know that I will be coming into an airport near Atlanta, Georgia—I am not familiar with your geography down there, but let's say I am going to do that. Then, at an appropriate point when I land, law enforcement officials will be there to make the arrest.

Senator NUNN. So, all of the radars and all of the interdiction assets were not necessary to effect those seizures and arrests.

Mr. JONES. It wouldn't be necessary in the case of a controlled delivery.

Senator NUNN. What percentage of the arrests and seizures was that?

Mr. JONES. For fiscal 1988, I think more than half of the cocaine seized by Customs Miami Air Branch was through controlled deliveries, and that's the busiest branch.

Senator NUNN. So, you are saying that these arrests and seizures were a result of good intelligence rather than air interdiction assets?

Mr. JONES. Good intelligence, yes. That's always the best way to effect an interdiction. If you know that something is going to be shipped, that is always the best tactic. If you know it is going to be shipped, you can arrange to meet the couriers when they land, or you can watch them and watch where it is delivered, and the DEA and/or the FBI can then attempt to penetrate the smuggling network.

There are all sorts of investigative and enforcement options when you have prior intelligence. There is a problem, of course, that is not the subject of this hearing, but has been a matter of

great concern to the Congress over the past 2 years, and that is the ability to get sufficient intelligence to support interdiction as well as to support the task of disrupting trafficking networks domestically. You need information.

Proceeding, after the controlled deliveries are accounted for, the impact of air interdiction may be less than reported. The Miami Air Branch currently is Customs' most successful air interdiction unit, as I said. In fiscal 1988, it was involved in seizing 70 percent of all of the cocaine seized by Customs air interdiction programs.

And I want to repeat myself yet again. Despite substantial seizures—and we have to give credit, substantial seizures—air and other interdiction programs have not reduced the overall availability of illegal drugs to U.S. consumers.

Now, when I talk about other interdiction programs, what am I talking about? It is important. We are talking about cargo inspections, we are talking about programs to interdict people who would bring drugs into the country across its land borders. We are talking about inspections at airports looking for drugs secreted in large commercial carriers. We have seen Customs successes in interdicting drugs coming in at Miami. So there are all sorts of means of shipment.

We issued a report a few years ago on the cargo inspection capabilities of the Customs Service. If any of you have ever seen a port of entry with these van-size cargo containers, you can only imagine what is in them, you can only imagine.

I want to now get into perhaps a matter of great concern both to you and to the witnesses who will follow, and that is the air interdiction system vulnerabilities.

Gaps exist in the radar coverage that the present interdiction network provides. That's a fact. In addition to that, all radar detection systems have some inherent technical constraints that limit their ability to detect the small aircraft typically used to smuggle drugs, like their inability sometimes, to distinguish a low-flying, slow-moving plane, from background clutter. You can enhance the ability to distinguish what you are looking for from what you don't want to look for by using computers. You can have radars with increasingly sophisticated analytical capabilities. You can put radars on aerostats, as was shown in the Washington Post this morning. You can put radars on a variety of movable platforms, aircraft of various sorts. You can put radar on lighter-than-airships like the Goodyear Blimp, but depending on the capabilities of the radar, they still have limitations. They still require someone to interpret what it is they see because a lot of people flying small, light aircraft at a low altitude are not dopers. There is a lot of legitimate transit across the border and down near the border by people who own private aircraft. And when you see an image on radar that fits a certain profile, the best you can say is that it appears to be a bandit, and let's do something about it, let's investigate, let's go out and try to pick him up. But the bottom line is that technology, however sophisticated, is not going to ever say what is in that plane, what is in that vehicle. I may be driving a vehicle through the POE at El Paso, and I may have it loaded with drugs; on the other hand, I may just have it loaded with things for my daughter

and my grand-baby. I mean, we just don't know, and we have to then find out.

The point is technology has its limitations, and one of them is that it doesn't know what is in the mind of the pilot in the case of airborne interdiction. Sometimes it cannot distinguish what is on the ground from what is in the air. Equally importantly for the aerostats, they are vulnerable to weather. When the weather is going to be bad, you have to pull them down. They are balloons on long tethers, running at 10–15,000 feet. Recently, the aerostat at Fort Huachuca, as was reported in the press, was damaged significantly by a so-called "dust devil." I guess a lot of people know what that is, but I am a Washingtonian. I think it is some sort of little gale. But anyway, the aerostat came down for that reason. You have to bring them down for bad weather. You have to bring them down for maintenance. There is a certain degree of preventive maintenance that has to be done.

A long time ago while working in the private sector, I learned that you can overcome the problem of down time due to maintenance by building in redundancies. If you have to bring one down, you have another one to put up. Well, you are talking about $12–$23 million per aerostat. An alternative would be when you bring an aerostat down for maintenance, use another platform to cover that area. Bring in an E–2C or an AWACS or whatever.

The point is that if you bring a radar aircraft there, then it is not where it would have been had the aerostat been up. So there are maintenance problems, there are weather problems, there are problems of identification. What I'm talking about is that across the board there are just inherent technical limitations to the ability to effect a 100 percent sealing off of the borders from airborne drug smugglers, that is just being able to detect them. And if you could detect them, if the Congress decided to fund the high-tech equipment necessary to effect detection 100 percent of the time, you still don't know what these people are doing. Most of them, statistics would indicate, will not be dopers. Do we then build in sufficient pursuit and tracking planes to go out and attack every blip to in fact see if it is just Arnold Jones who is flying from Dallas to El Paso or wherever?

These are some of the inherent limitations of the high-tech equipment that we are talking about. Another way to say it is these are some of the system vulnerabilities.

Current Federal air interdiction programs and strategies include plans to expand the existing aerostat detection network from 5 to 16 aerostats. That will provide radar coverage for most of the southern U.S. border.

If you look at that second chart, Mr. Chairman and Senators, you will see those coverage circles. They indicate the geographic coverage that would be provided if the system is fully implemented. The shaded circles are the ones that are currently operating, although the left-most shaded circle is now a white circle because that particular one is down.

But if you effected that coverage, you still have not removed the need to periodically pull them down for maintenance, the need to periodically pull them down for weather, the need to have increased abilities to respond to potential bogies.

The bottom line also is that it is very expensive. As I said, these things are currently costing between $11.8 and $22 million.

Current aerostats operate only about half the time; that's a fact. The strategy also includes plans to acquire two more long-range radar aircraft. Customs and Coast Guard currently operate nine radar aircraft that are dedicated to drug interdiction. This includes two long-range aircraft just acquired by Customs. The estimated cost of acquiring six aerostats that are not already funded and two long-range aircraft is at least $124 million. That is what we are talking about, $124 million. What does it mean?

Senator Nunn in his opening statement talked about other things that could be purchased with moneys. I had the staff pull together just some anecdotal data for your consideration. In the District of Columbia—and everyone recognizes that we have got a drug problem here in all of its worst forms—to operate a 300-bed outpatient program for cocaine addiction costs between $2,500 and $3,000 per patient per year. That is all. At the Federal level, on the other end of the spectrum, a medium-security prison cell or space costs $60,000, just to build it, and I think it costs roughly $12,000 to $15,000 per year to maintain a prisoner.

On another level, an FBI agent, GS–13, once he or she is up and running and out on the street, costs, with all of the support costs, $153,000 per year. A DEA agent, Grade 12, interestingly costs a little more than an FBI agent, $159,000 per year.

These data were supplied to us by the Department of Justice. I do not defend them one way or another, gentlemen. It is just interesting information.

The point I am trying to make is that as we look at what we would want to buy for moneys that might be diverted from increasing high-tech equipment, there are lots of other things to consider, and it is consistent with Comptroller General Bowsher who says we ought to look to other things.

Customs and Coast Guard have plans for coordinating air interdiction and detection activities with their interdiction response assets. As I discussed almost 2 years ago, Mr. Chairman, when I appeared before this Permanent Subcommittee concerning our review of command, control, communications and intelligence programs at the Customs Service in particular, Customs is developing a command, control, communications and intelligence system to coordinate radar detections and intelligence on drug smuggling activities with their air interdiction response aircraft. That system, which is still evolving—and I told you that almost 2 years ago—will cost over $50 million, and its impact cannot be determined.

Moreover, as of June 1989—and you will hear more from the DoD witnesses later, DoD was beginning to carry out new responsibilities for detecting air and marine drug smugglers and integrating drug interdiction C3I—command, control, communications, and intelligence assets—authorized by the Fiscal Year 1989 National Defense Authorization Act. This Act authorizes $300 million for DoD anti-drug programs in support of civilian anti-drug agencies.

The impact of DoD's new responsibilities on drug smuggling, as has been pointed out by you and the members of the Committee, is not yet known. But in looking at the plans for spending that $300 million, a good bit of it is going to go for high-tech equipment and

support. We have here—and this is a document from the Office of the Assistant Secretary of Defense, dated May 19—$100 million will be used for sensor support. This includes the acquisition of land-based aerostats, deployable radar support, aerostat relocation, and a small sea-based deployable aerostat.

So we are talking about a significant amount of money that is going to be used to effect high-tech improvements in a high-tech interdiction system.

I am going to close by saying our reports have noted the need to address the Nation's drug abuse problem through a centralized and comprehensive approach. Such an approach again should address both the supply of illegal drugs and the demand for them.

GAO at this time, based on our work, is just not convinced that spending more on air interdiction is the best use for those additional funds. Now, does the GAO know where you should use the funds? No. We don't have sufficient data, we don't have sufficient knowledge. But we do know that in fighting the war on drugs, perhaps there are other fronts and other battles to be fought that need to be funded because cocaine price is down and purity is up. There is a perception of an absolute erosion of Government at all levels to provide for the public order, and the citizenry are up-in-arms because of substance abuse and increasingly the violence associated with it.

On that point, before I begin to preach, that ends my testimony, and we would be happy to take questions from you and other members of the Committee, Mr. Chairman.

Senator NUNN. Thank you, Mr. Jones. Do either of your associates have an opening statement?

Mr. JONES. They will answer your questions.

Senator NUNN. Thank you. You really raised a key the question right at the end of your testimony. When you said that the the General Accounting Office—about as methodical and analytical a group as any we have in government—does not have enough information to tell us what the priorities ought to be and how the money ought to be spent in fighting the war on drugs.

We will soon have a defense authorization bill mark-up and related debate on the Senate Floor. Following that, we are going to have appropriations bills. In the course of these deliberations, we will be making decisions about drug interdiction and about how much we should allocate to the military for the fight against drugs. We will be making decisions about how much we put in health and education and about how much we should put in to stopping drugs at the source. I might add that we have considerable information indicating that we are not putting near enough resources in to helping other countries who are willing and able, if properly trained and equipped, to stop drugs where they are grown. Indeed, I think that this issue should be the subject of another hearing; possibly, later this year.

At this point, though, the question I have is, how are we going to make these legislative decisions if we don't have the data base, you don't have the data base, and it seems no one has the data base to tell us what the biggest payoff is on the money we spend?

Mr. JONES. Two things. One, in terms of the number of potential blind alleys or holes for throwing money in, we are suggesting that

you shouldn't throw it in to increasing the current highly technologically-based air interdiction program. We are not saying reduce interdiction; we are not saying that.

And also in terms of where should the money go, the GAO supported and argued for over the years, and I talked to you 2 years ago about the need to have what is I think pejoratively called a "drug czar". We now have an Office of National Drug Control Policy, and we have a director. He is supposed to come up with a strategy.

More important than coming up with the strategy, the Administration through Mr. Bennett is to propose a budget that will drive that strategy.

I know that we will be there to look at the strategy, to analyze it for the Congress. When the budget comes out, we will be there to look at the budget and see if it supports the strategy.

No, the General Accounting Office cannot tell you where to put the money, but there are mechanisms in place for the Congress and the Executive to come up with alternatives. We are just saying that adding another trillion dollars to in effect put up an electronic barrier around the United States to stop small aircraft from penetrating the borders with drugs is not the best use of limited funds. We are saying that at least as far as I'm concerned, we have been doing that, we have been making record seizures, and the bottom line, emergency room mentions are up, retail price is down, purity is up. Violence is increasing—I mean, we have gotten to the point now that in the District of Columbia, if we hold murders to under 200 people, we'll probably say there is success. And yet 3 years ago I don't think these were that many.

So the whole value system is changing, and I think it is important to say there is not an infinite amount of money; let's try something new. That's all we're saying.

Senator NUNN. Implicitly, you seem to be saying that those indicators are the means we need to use to judge whether our supply-side drug enforcement efforts are working? You are saying take a look at the emergency room treatments, the deaths, the price and purity of drugs on the street. These are, indeed, the same general indicators that Peter Bensinger outlined in the 1970s. Are you saying this is the best definition of what we are doing in terms of supply-side reduction efforts?

Mr. JONES. Well, there are a number of indicators. I think the DEA will tell you that they are there to disrupt trafficking networks. Once you get the drugs in to the country, you have got to have an infrastructure for moving them. So there are a whole bunch of things. But the bottom line, as a parent and a grandparent, yes, I am worried about the availability of drugs on the street, and I think as citizens, we have to worry about the large number of our citizens who are increasingly showing up in hospital emergency rooms and in medical examiner offices, pumped full of 9-millimeter hollow-point bullets. That is the reality. And I think more insidious than that, Mr. Chairman, is the perception of increasing numbers of citizens that Government at all levels cannot do anything about it. I think that is more of an indicator that it is hard to put your hands on.

Senator WARNER. What you are saying is demand is up, too.

Mr. JONES. I think demand is up. Now, Senator Warner, you slipped me one there. Let me ask John to answer that.

Mr. VIALET. Senator Warner, I think the statistics on demand are not clear. We know that demand is high, but there are some indications that in certain parts of the population, particularly among high school seniors, there may be some decrease in demand. So we would not want to go so far as to say that demand is up. We do know there is an awful lot out there being used.

Senator WARNER. Do you have any statistics on volume, then?

Mr. VIALET. We have statistics that, as Chairman Nunn has pointed out, are produced by the National Narcotics Intelligence Consumers Committee. These statistics do not really give you a good estimate of what the volume is. We have some numbers, for example, on the amount of cocaine that is being produced down in 4 Latin American countries, that is about 400 metric tons a year right now, and we know there is a big quantity of that that is coming to the United States, and we are catching somewhere on the order of 15–20 percent of that.

Senator NUNN. Let me turn first to Senator Cohen and our Committee members, and then Senator Warner.

Senator Cohen.

Senator COHEN. Thank you, Mr. Chairman.

Mr. Jones, I recently spoke with a military officer who came back from Peru and Colombia and he compared our counter-narcotics strategy to trying to catch machine gun bullets instead of trying to take the machine gun out. Would you agree with that characterization?

Mr. JONES. I am going to do a classic bureaucratic hedge. I have not looked at that program, and if you want an answer from me based on anything official, I don't know what is going on overseas, Senator Cohen. From a practical point of view, I think there is an obvious need to try to effect some changes in host countries. We did that about 12 years ago when the scourge of the country was Mexican brown heroin. I went down to Mexico—I was at a lower level than I am now—and we spent 6 weeks assessing how effective the eradication program was, and in fact sufficient opium was eradicated down there to reduce the problem of Mexican brown heroin.

So there is at least one model which says increased activity in source countries, which requires the cooperation of those countries, is warranted. But that's the only model I am familiar with.

Senator COHEN. All right. You mentioned the down time of the technology that is being used today. Did GAO conduct any analysis during those periods in which the aerostats were down that indicated drug flow was up?

Mr. JONES. Mr. Laughlin will answer that.

Mr. LAUGHLIN. No, we did not do any of than kind of analysis.

Senator COHEN. Was there any analysis done of whether or not there seemed to be any payoffs to individuals, for example? Was there any unnecessary down time that was determined?

Mr. LAUGHLIN. We found no indication of that.

Senator COHEN. So you have had no indications as to whether or not there have been any payoffs to individuals who are involved in the program that might have resulted in either unnecessary down

time or providing the intelligence to the "dopers," as you call them. In other words, the intelligence is passed on, "we are going to have routine maintenance for this aerostat", with the result that the drug flow starts to increase during the down time. Did you conduct such an investigation?

Mr. JONES. The data we used was from traditional Customs Service maintenance reports. The issues you address are issues; there are always instances of persons who can be bought off.

The issue of whether or not there was increased smuggling activity at the time an aerostat is down, we don't know, but we also know that if it is tethered up at 10,000 feet, and you pull it down, whoever might want to do something can see that it is down. I mean, if I'm getting ready to rob a corner store, and I see a police squad car go by or see a policeman on the corner, then when he goes, I'll do my do. So I think that's the answer.

Senator COHEN. Sometimes it is also worth having advance notice as to when it is coming down so they can start planning the shipment. You don't have to wait to see whether it is coming down from its tether, but rather know several days in advance that it is coming down and gear up for distribution at that point.

Do you have any opinion about whether or not Congressional restrictions on military assistance to countries that are in arrears on their foreign military sales payments ought to be looked at again?

We have a policy of reducing military assistance to those countries who are behind on their FMS sales. Do you think that should be reevaluated?

It seems to me that one of the problems is that we are treating this more as a law enforcement problem rather than treating narco-terrorism as a war, an all-out war being directed against the United States and now spreading into Western Europe. We keep treating it by looking to local police or security forces, which are totally inadequate—totally inadequate—to cope with this.

Shouldn't we be looking at ways in which to involve the military personnel and forces in Peru, Colombia, other Latin American countries in a major way in order to "go to the source" or go to where the machine gun nests are as opposed to trying to catch the bullets that are being fired into the United States?

Mr. JONES. Senator, to answer your first question, the issue of what we should specifically be doing overseas belongs to our counterpart, Dr. Kingsbury, and I think she has done work for your Committee. However, I think all possibilities for addressing substance abuse control are viable except perhaps increasing the amount of high tech equipment in the airborne drug program.

Senator COHEN. That's all I have, Mr. Chairman.

Senator NUNN. Thank you, Senator Cohen.

Senator Kohl?

Senator KOHL. Let me ask you, Mr. Jones, if you have a dollar to spend, what percentage do you think we should be spending on the supply-side in total, without trying to break it down, and what percentage would you spend on the demand side?

Mr. JONES. Senator Kohl, I'd love to answer your question, but if I could answer that I would be in the position to tell you folks where we think the money should be spent. I am just not able to do that. I have no basis at this point for doing that.

Senator KOHL. You have reached the conclusion and are recommending to us, do I understand, that with respect to air methods, air surveillance, air detection, we are spending about as much as we should be spending, and we should not be spending more of our anti-drug money in this respect?

Mr. JONES. That's right, because we feel that the air interdiction system—and I am going to repeat—it is getting seizures. But I think when the bottom line happens to be street availability, and emergency room mentions, there are perhaps other things. Basically, the traditional approaches to reducing demand, and we are beginning to look at these. We think when you have upwards of 100-plus million dollars, maybe from $124 million up to perhaps half a billion, that there are many opportunities, prevention and education. I hate to say this, but I used to smoke cigarettes like a fiend. People's horizons change. We did not look to solutions to cigarette smoking in 1 year or 2 years or in one administration. Changing the behavior of people who are not convinced their behavior should be changed is a long-term process. We have to explore programs, it seems to me, that have the highest probability of effecting changes in the personal behavior of people who abuse drugs. We just can't, it seems to me, ignore addressing demand in a more concentrated way than we have in the recent past.

If you ask Arnold Jones or the Comptroller General, well, what specifically should we do, again I repeat I don't know. But we don't have an alternative but to look for other ways to get more bang per buck, to use that phrase.

Senator KOHL. In terms of demand and education, then, you are looking at a long-term program.

Mr. JONES. I think we have to look long-term. I personally believe that to look for light at the end of the tunnel during the course of any administration does not do justice to the enormity of the problem. The battle is not going to be won by walking up and telling our children don't go and grab anymore cookies. I think we have got to be innovative, and I am waiting with a great deal of interest to see Director Bennett's proposed drug strategy, and subsequently what budget does he propose to drive that strategy. That's his job, and I am personally waiting to see what he does.

Senator KOHL. Finally, with respect to supply, any concrete suggestions to make?

Mr. JONES. I certainly wouldn't say do away with the FBI or the DEA or the Customs Service or the Coast Guard or the military support; I wouldn't say that. I certainly think we need to increase prison space for bad people. I think we need to be able to respond to people who seriously want to remove themselves from the scourge of drug abuse. I think a lot of these people do not have money, and maybe the Federal Government has to do more.

I think there are a whole array of things——

Senator KOHL. I was referring to supply, again.

Mr. JONES. Oh, supply.

Senator KOHL. Any concrete suggestions to make?

Mr. JONES. Mr. Vialet has an observation?

Mr. VIALET. I would just say that we are presently doing a review for Chairman Nunn, looking at the impact of drug-related crime and violence on the erosion of public order and on the crimi-

nal justice system, and I think as a preliminary view, we would say that one of the priorities probably ought to be to do something about the perception and the reality that the public order is being eroded by all the crime and the violence that you see right now on the streets, in which the morgues, for example, in the District of Columbia are overloaded to the point where the medical examiners cannot take care of them.

So that area, restoring some semblance of public order, would seem to us to be a top priority in terms of supply, in terms of this law enforcement side of the equation.

Mr. JONES. But are we recommending the resurrection of LEAA—we don't want to make that step. We'll have more concrete proposals for Chairman Nunn at the time we finish our report.

Senator NUNN. What is your time schedule on that report?

Mr. VIALET. Well, as you know, Senator Nunn, we are trying to help out right now down in Atlanta with some preliminary research for you. We are hoping to get a report out for you early next winter, say January–February, in that time frame. That would be when we would see it, and perhaps testify earlier than that.

Senator KOHL. I'm not sure I understood what your answer was on supply. We are talking about trying to keep drugs from coming into our society. Any concrete suggestions on that, anything that we can look at, sink our teeth into, think about?

Mr. JONES. I'll go back. Let me reach back into a report we issued in which we talked about the inspection of cargo. Now, that serves many functions, and that is basically labor-intensive. The more inspectors you have, the better you can go into cargo. How do the drugs come in—they are coming in somewhere. They can either come in through private aircraft, they can come in on big planes, they can come in in trucks and cars, or in body packs, or they can come in in big cargo containers.

Maybe we have got to be able to increase inspection intensity. And yet we do not want to go back to the late sixties, when one option for a short time was to absolutely seal off the borders. There is commerce. There are trade-offs that have to be made that you folks have to worry about.

But in terms of interdiction, I don't think we ever want to see the situation where you can just willy-nilly come into the country with drugs.

I haven't answered your question directly because I don't know the answer to it, so I am waltzing around it.

Mr. VIALET. If I could just add a little bit to that, Senator. When we talk about supply reduction, traditionally, we have talked about law enforcement, so we have meant not only catching the smugglers when they come across the border, but also trying to do something abroad in international programs and also domestic law enforcement. And I think our sense certainly, from what we have said here about the air interdiction program, is that possibly some of that money might more fruitfully be used certainly in the area of domestic law enforcement. We see, for example, that the kinds of money we are talking about to support a DEA agent, you could maybe support 775 DEA agents for what it would cost to add $124 million to the air interdiction system.

So there are trade-offs, and there are some things working here in this country in terms of domestic law enforcement that we certainly think are possibly very good ways to spend your money.

Mr. JONES. Senator Kohl, Mr. Laughlin has an interesting statistic here.

Senator KOHL. Mr. Laughlin.

Mr. LAUGHLIN. We reported in the first report that we issued under the same legislative requirement as this report, a statistic which we got from Customs. Customs told us that they currently, at that time at least, inspected 3 percent of the cargo coming into the country. Now, to increase that inspection rate by 1 percent would require 500 additional inspectors.

So that is one statistic that might at least indicate somewhere where some new emphasis might be made.

Senator NUNN. Senator Kohl, would you yield just a moment for me to pursue that?

Senator KOHL. Yes.

Senator NUNN. When they inspect that 3 percent, do you have an indication of how much they seize from that process, as compared to what they seize from air interdiction? We need a reference point, something that compares the incremental dollars spent in obtaining air versus cargo seizures to judge which is more effective. Cost-effectiveness is key here.

Mr. VIALET. Mr. Chairman, on page 24 of our report, we do have a set of statistics, and I think we have them also for some other drugs. But on page 24, we show cocaine seizures by type of conveyance, so we break that out by private aircraft and the like, land vehicles, commercial vessels and many of these other things. What that basically means is that the bulk of the drugs that are being seized right now are being seized at the ports of entry in basically maritime shipping and land vehicles coming across the ports of entry.

So we do have some numbers there, but it does get awful difficult, as you know, to do a cost-effectiveness analysis and say it costs an additional buck to catch an additional pound of cocaine, for example, coming in.

Senator NUNN. Well, we've got a certain number of assets aimed at people coming across the border on the ground; we've got certain assets allocated to detecting drugs coming across the border in containerized cargo; we've got a certain number of dollars we put into air interdiction. Could you get a chart for us that shows how much we are seizing, how many arrests we are making, how many convictions are taking place, etc., along with the number of dollars we are putting into each category?

Mr. VIALET. Yes, sir, we can provide that for the record.

Mr. JONES. May we supply that for the record, Mr. Chairman?

[The information referred to follows:]

GAO was unable to develop the comparison of drug interdiction program funding and results by interdiction program category requested above by the Chairman in time for inclusion in the hearing record. Federal drug law enforcement agencies do not publish data which compares drug interdiction funding and results for the principal interdiction program categories. GAO developed the data comparing air interdiction funding and results presented in its June 9, 1989 report and testimony on airborne drug interdiction capabilities by conducting a detailed review and analysis of unpublished agency records and files. If requested by the Subcommittee, GAO

would be pleased to conduct a similar review and analysis of agency records and files aimed at developing comparative data on funding and results for other drug interdiction programs.

Senator NUNN. I think that would be helpful to us. We may not be able to draw a conclusion from such a chart that putting extra dollars into one area over another is going to improve what we are already doing, but at least it will be an apples-to-apples comparison. What we really want to know is what additional incremental dollars will do.

Mr. VIALET. I would want to add, Senator, that we have looked at the port of entry cargo inspections. As you know, at your request we are going to be looking at marine interdiction efforts. But when we looked a couple of years ago at the cargo inspections that the Customs Service were doing, we found that they were noticeably superficial. Very few containers got inspected, and when they did get inspected, it typically tended to be somebody opening up the back door of a container, looking inside it and shutting the door again.

So there is a lot of room for improvement there in terms of the detail and thoroughness with which they are inspecting these cargoes coming into the country.

Senator NUNN. Are there statistics anywhere that tell us what percentage of illegal drugs are coming in by air, as opposed to those coming in by sea or on the ground? Do we have anybody who can tell us that?

Mr. VIALET. Senator, partly as a result of criticism from us, the various drug agencies have stopped publishing those statistics because we said they were not well-founded. So we do not have good data, very recent data, about exactly what is coming in by what mode.

There is, when you talk to people in the drug/law enforcement area, some sense that drugs are moving away from coming in small aircraft toward coming in over land and in large marine vessels and through cargo containers, but that is again very qualitative. In terms of quantitative numbers, we do not right now have any good numbers on that.

Senator NUNN. What you are really saying, if I understand you, is that you have a deep skepticism about the amount of good any incremental dollars are going to do in air interdiction. Yet, we also don't have any basis—we don't seem to have it, no one seems to have it—for really making a decision as to where our dollars will do the most good. We just don't have it.

Mr. JONES. We just don't have it.

Senator NUNN. So, we are just throwing a dart at the board and hoping that the dollars we throw are going to be more effective. There is no analytical basis for us to make judgments on.

Mr. VIALET. Yes, sir, but I guess I would add to that that I think what we have done is we have closed off one blind alley for you at this point, and we are going to be looking at another alley, the marine interdiction side and cargo, and trying to produce the same kinds of analysis that we did here, and hopefully we can give you some advice about that particular one, too. So it is a slow process.

Senator NUNN. Well, I think Senator Cohen's question on source country efforts needs to be very much a part of the study, too. How

much are we going to gain if we put money into helping Colombia, Peru, or some other country with helicopters, or training for their own people in policy capabilities, or for training their military in terms of both counter-insurgency and anti-drug requirements—the latter which, as Senator Cohen pointed out, are in many instances connected?

Mr. VIALET. Yes, sir. I would say, sir, that Dr. Kingsbury, whose group has done a number of studies of the past efforts overseas and in Latin America, and they have been almost uniformly negative about the results that have been achieved down there. They are saying basically that so far we have not been successful in these crop eradication and crop substitution programs.

Senator NUNN. That doesn't give us much hope, gentlemen.

Senator Kohl, I interrupted you.

Senator KOHL. I just had one comment on the cargo seizures. I understand that the five largest cocaine seizures have involved cargo efforts.

Mr. JONES. Yes, sir.

Senator KOHL. That would at least indicate that there is a rather significant potential in this area in terms of return on money spent. Would you speculate that that might be a possibility?

Mr. JONES. I think a lot of it is coming in secreted in cargo or in big ships. I think we certainly criticize the Customs Service, perhaps unjustifiably, in the quality of the inspections and their basis for determining what to inspect. And they have a fancy computer system that helps them do these things.

The interdiction system has changed smuggler behavior. Drugs are getting into the country. I think we need to look at reducing the vulnerability at ports of entry, maybe by increased inspections. I noticed on the television in the last few weeks that DoD, I think, is now funding the National Guard working at some POEs with Customs to increase inspectional intensity. I think this is good; I personally think this is good.

We know that you need to look more closely and more intensely, because there is no substitute at POEs for a man or a woman and a dog. There is just no substitute. And when you increase that, I think that experiment is going to be very interesting. I am looking to see if indeed at those POEs where the experiment is being tried, what increases there may be in detection of contraband. It will be very interesting. Put I think that is an example of putting dollars in an area where dollars might do a little more good.

Now, should you increase inspectors by 10,000 percent? I wouldn't advise that.

Senator KOHL. I just have one other question, a yes or no answer almost.

Assuming that we cannot do anything—or do not do anything significant—about the amount of drugs, the purity, the cost of drugs that we allow to enter this country, aren't we talking about an enormous problem that will take many, many years and generations to correct, assuming that we don't do anything about interdiction?

Mr. JONES. Yes.

Senator KOHL. Thank you.

Senator NUNN. Senator Levin and then Senator Warner.

Senator LEVIN. Mr. Chairman, in the same area where the Chairman was questioning, I have some questions. I understand you are going to provide to us a cost analysis for each type of anti-supply program—interdiction at the borders, air interdiction, inspection of cargo, eradication at the source, financial support to the military in source countries. Are you going to include in that our law enforcement on the streets and our prosecution—is that going to be part of your report that is going to come in in a few days?

Mr. VIALET. No, sir. I would like to clarify what we will be able to provide for you. We will be able to show you the costs of the various types of interdiction programs, and we will be able to show you the results of those programs. It would be a mistake—and the Comptroller General, I think, said this the last time we testified before Senator Nunn—to try to do a piece of arithmetic in which you divide it through. It is not clear that there is a direct relationship between a buck spent on drug interdiction by air or drug interdiction by cargo and a pound of cocaine and of marijuana seized. So while we can provide you that information, and it is probably useful and interesting information to have, it is not a cost-effectiveness analysis that would allow you to say, well, gosh, if I double this money here, I'll get double the results.

Senator LEVIN. So in other words, if we have twice as many seizures for $1 million dollars spent on inspectors at ports as we do in the air for our air interdiction program, you are saying we should *not* therefore, assume that inspection is twice as good a program?

Mr. VIALET. That is correct, sir.

Senator LEVIN. Well, what should we read from it, if we don't read that? How are we supposed to make a rational analysis, if we can't look at the cost per pound or the cost per seizure of various efforts; how do we then make a rational analysis?

Mr. VIALET. Well, Senator, I guess I would have to say that the first way you make a rational analysis is probably to try to do the kind of detailed analysis for one of those programs like the cargo points of entry——

Senator LEVIN. Let's assume we make a detailed analysis for each anti-supply programs, and conclude that we get twice as many seizures per million dollars in one area, as we do in another area, or twice as many pounds of cocaine in one area as in another area—are you saying that still isn't going to be an indicator?

Mr. VIALET. That would certainly be an indicator, yes.

Senator LEVIN. Now, have those studies been made?

Mr. VIALET. No, sir, they have not.

Senator LEVIN. In all these years, we haven't made a study of the costs per seizure or per pound in each of these areas?

Mr. VIALET. Let me correct myself. About 2½, 3 years ago, we did a study of all the drug interdiction programs, and we essentially came up with a conclusion that basically just what you have seen here has happened; that the availability has continued to be very, very high, and that the amounts we were seizing were very small compared with the amounts that were coming in, and so overall those programs were not really working very well.

This is the first really detailed analysis we have made of a specific program, although we did get into things like cargo inspection and marine inspection and the like in that previous job.

Senator LEVIN. But we haven't made a detailed study of those areas.

Mr. VIALET. We have not yet made a detailed study. We are about to begin one at the request of the Permanent Subcommittee to look at the marine——

Senator LEVIN. In each area?

Mr. VIALET. Right now, it is——

Senator LEVIN. No, no. Is there a request that you've received to make a study in each of the areas?

Mr. VIALET. I'm sorry. No, sir.

Senator LEVIN. Well, until that analysis is done in each area, are we going to be able to make a comparison?

Mr. VIALET. I would say, sir, that you can certainly make comparisons——

Senator LEVIN. But a useful comparison?

Mr. VIALET. I would say it is difficult to make useful comparisons unless you develop the level of detail that we've got in this report, here. And still, this is not definitive.

Senator LEVIN. But just following what I think is the Chairman's direction here, shouldn't we have that kind of an analysis in *every* area of our efforts, so we can make some kind of relevant comparisons as to what our costs are to get eradicate a ton at the source, versus the cost to seize a ton at the customs ports' inspections, versus the costs per ton of air interdiction?

Mr. VIALET. Yes, I think you are onto a good point, and I think the only problem that we have there is that you start getting into an awful lot of abstractions when you talk about that across-the-board analysis. In other words, there is a fundamental difference between what Senator Cohen is talking about dealing with the Latin American countries—we have foreign policy considerations, we have the question of how will that work down there—and it is not the same kind of program that you are comparing, say, when you are comparing it to an air interdiction program. It is quite a different kind of thing, so the results are very, very hard to measure.

Senator Cohen's proposals might be a really good idea, but we wouldn't necessarily be able to measure them with the same kind of——

Senator LEVIN. Well, at a minimum where we have various programs that can be compared, shouldn't we have detailed analysis comparing those programs?

Mr. VIALET. I would think that would be a good thing for us to do, sir.

Senator COHEN. Would you yield for a question?

Senator LEVIN. Yes.

Senator COHEN. It seems to me one of the inherent difficulties in what Senator Levin is proposing is that if you have "x" amount for air interdiction, it might be forcing more cargo to go through by ship or by land, and thereby enhancing the success of interdiction efforts locally. So it may look like you have a much better return land and sea introduction than you have from air introduction but it is difficult to make that judgment.

Senator LEVIN. Yes, it is.

Mr. VIALET. That's correct.

Senator LEVIN. The deterrent effect is also very difficult to measure, which I think is what Senator Cohen is also in effect commenting on.

Mr. VIALET. It is extremely difficult to measure, and that is one of the reasons that we have tried to stop short of saying get rid of the air interdiction program. We cannot tell you what the deterrent effect is. We tend to think that it is good to have a cop on the beat out there right now the way we do, so we don't want to tell you to get rid of that cop on the beat and stop doing the air interdiction effort that you have right now.

Senator LEVIN. Is it possible that when you complete your studies of other areas that you are going to find the same conclusion, that the program under study is a blind alley?

Mr. VIALET. I think it is possible on some of those that we may well, sir. If you look, for example, at cargo inspection, you will find that there are millions of containers coming in to all our major ports, and it is very, very difficult to find drugs in those, and normally we find drugs in containers as a result of intelligence.

Senator LEVIN. So what you are telling us today, is where we should *not* put our money. You are not telling us that it is necessarily going to be better to put it into cargo inspection.

Mr. VIALET. We certainly are not, sir.

Senator LEVIN. Do you believe it would be better to put it into cargo inspection—just your educated guess.

Mr. VIALET. If you ask my personal view as to where the money should go, I would say it should probably go into domestic law enforcement efforts and it should go into intelligence gathering.

Senator LEVIN. Not into cargo inspection?

Mr. VIALET. I think cargo inspection would be something I would want to look into, and certainly the efforts of the National Guard to beef that up are, I think, a good idea.

Senator LEVIN. I just have one more question. Yesterday I asked the question, if we wanted to double our law enforcement efforts, what would it cost us. I am talking about our street-level law enforcement efforts. We've got people on the streets every night, openly selling drugs, and the question is why don't we just arrest everybody that is openly selling drugs. The answer is we don't have enough police, we don't have enough prosecutors, we don't have enough jails, on and on.

If we doubled the number of police, prosecutors, jailers, just the law enforcement locally, what would that cost us; do you know?

Mr. VIALET. I do not know that right now, sir. We are going to be looking at that in detail, and we can give you a short answer pretty quickly for the record.

[The information referred to follows:]

The most recent data available on State and local spending on law enforcement is contained in a March 1987 report by the Department of Justice's Bureau of Justice Statistics, which estimates State and local spending for police, courts, prosecution and legal services, public defense, corrections, and other Justice activities for fiscal year 1985. According to the Bureau of Justice Statistics, total State and local law enforcement spending for fiscal year 1985 amounted to about $41 billion. doubling State and local spending for law enforcement spending in fiscal year 1985 would have cost over $80 billion; doubling current State and local spending on law enforcement would be even costlier. To put these amounts in perspective, the Office of

Management and Budget estimates that total budget outlays for all Federal Government activities in fiscal year 1985 amounted to about $770 billion.

—Senator LEVIN. Thank you.

Thank you, Mr. Chairman.

Mr. JONES. Senator Levin, let me just respond a little bit to that, if it is all right, Mr. Chairman.

Senator NUNN. Go ahead.

Mr. JONES. You can increase the pressures of law enforcement—and we have seen an 1,100 percent increase in interdiction funding, and I'm not going to make a leap but I am going to lean heavily, and say that we have got to stop running away from the fundamental issue of why Americans want to use drugs.

Gentlemen, we have been talking about air interdiction, and we have been talking about inspections and stopping drugs overseas at the source, and let's get more DEA agents, and I think we need all of those things. But sooner or later, we've got to face the problem. If there was no demand for it, it would not be coming in.

Those people in Mexico and in Colombia and in Peru would not be doing these things if nobody wanted a cocoa leaf or wanted the juice from the opium poppy.

And sooner or later, this country is going to have to get at affecting the behavior of people—us. Those people in Condon Terrace, Southeast who are out there shooting each other for a bit of the market to buy 4-wheel drive vehicles and 10 tons of gold chain. There are not enough pieces of the GNP out in Southeast to support their lifestyle. Where does that money come from?

I have a job, you have a job. And until we address a need to reduce America's demand for cocaine—and I mean really do it—it is not glamorous when glamorous people say, "I used to have a weekend cocaine habit," and then people elsewhere say, "I want to be glamorous, too."

We have really got to begin to explore some creative and meaningful programs for reducing demand for drugs. Almost nobody smokes anymore. Sixteen years ago, I would have had a cigar here that long. So it works.

Senator LEVIN. I don't have any problem with that, but that is a long-term solution, that involves changing a lot of fundamental and basic approaches to life in this society; you can work on those and I wish you well, and all of us well, in that effort. Meanwhile, we have got people openly violating our drug laws every, single night, out there on our streets. If this were truly a war, if that were a foreign soldier in uniform out there with a gun, pointing that gun at our citizens, we would address every single one of those foreign soldiers in that foreign uniform. Well, we've got a bunch of people who are pointing guns at our citizens out on the streets every, single night, openly, and they are not being arrested.

Now, I know what you are saying, and I have no problem with that. But it is also true that drug dealers are out there, violating the law openly, and we are not arresting them, we are not prosecuting them, we are not putting them in jail. And this is supposed to be a war?

Mr. JONES. I couldn't agree more, and as I said earlier, we have got to restore confidence in the ability of Government at all levels to maintain the public order. But this business of dealing with drug

abuse, is long-term effort. Sixteen years ago, when I was at Mr. Vialet's level, GAO was looking at the battle between the DEA and the Customs Service over who really had primacy as a result of the reorganization plan. 16 years hence—well, we're here. I was talking with a senior drug agent who has subsequently retired, and he said, "Arnold, did you ever think it would be this bad?" I said no, because then it was only heroin and marijuana, and PCP was just coming on. As long as a chemical can be synthesized, there will be people who want to use it to feel better, and we have got to begin to have research; we have got to have education, and we have got to have treatment, and we can't let up on the law enforcement side. We can't have wild people running through the streets, killing each other for market share, no.

Senator LEVIN. Thank you.

Senator NUNN. Thank you, Senator Levin.

Senator Warner?

Senator WARNER. Thank you, Mr. Chairman. I do want to congratulate you and other members of this Committee for the work it is doing in this important area. But I have a little uneasiness this morning.

You were chartered to look at one segment of this struggle, and you have addressed it and given us your professional opinion. But I don't want the rhetoric or the impression to flow from this hearing that this President and this Drug Czar are not doing everything they possibly can do, together with the support of the Congress, to do real battle, against the drug problem.

Now, you are nodding your heads, and you have been in this business a long time. Am I correct in that, that this President is trying to provide leadership, and this Drug Czar, Dr. Bennett is trying to pull this thing together?

Mr. JONES. I have to tell you this President and his predecessor have been very supportive of supply-side drug abuse control. The moneys have been there. I think, and I made the point, that we have got to see the strategy that Mr. Bennett proposes.

Senator WARNER. And he is working on that——

Mr. JONES. And he is working on it. We happen to know that.

Senator WARNER. I have had the opportunity to consult with Dr. Bennett on two occasions this week on this subject, and it is a very difficult thing to reconcile differences of approach and prioritize the use of assets, but I have the distinct feeling that both the President and his Administration are moving forward in good faith. Can you verify that?

Mr. JONES. The Congress approved the Anti-Drug Abuse Act of 1988. It included a provision for a Drug Czar that we had been pushing for years. I agree completely with you, Senator Warner.

Senator WARNER. And yet the statistics show that we are not succeeding as well as we had hoped.

Mr. JONES. Those stats transcend administrations, too.

Senator WARNER. Now, the area which you have focused on is air surveillance. It is your professional opinion that additional dollars shouldn't be spent, and you made it clear that you do not recommend any reduction in the current level. Is that correct?

Mr. JONES. We have no basis for saying that. We have no basis for making that recommendation.

Senator WARNER. And until such time as you look at the drug volume being brought in through both sea and air cargo, and people on foot or vehicles, you really cannot make a judgment as to how we should prioritize the spending of funds; is that correct?

Mr. JONES. That's correct.

Senator WARNER. In the course of your investigation, did you consult with Dr. Bennett and his staff?

Mr. JONES. We sent a letter to Director Bennett before he was sworn in, offering to talk with him and share our experience. He has been very busy; we have tried.

Senator WARNER. But in due course, you will have a closer relationship.

Mr. JONES. Yes, I will call again, Senator Warner.

Mr. VIALET. Senator, a couple of weeks ago, I did meet with some of his staff, and we are trying to maintain and develop good working relationships with them. And I certainly agree that he's got a heck of a difficult task in front of him.

Senator WARNER. Well, I think you've made a very valuable contribution, and we will soon hear from the Department of Defense, which has also had an active role in this interdiction. I am of the opinion that their testimony will indicate that they have done the job as prescribed, given the limitation of funds, and done it in a way not to derogate their primary mission, that is, the national defense of this country and that of our allies.

I thank you.

Senator NUNN. Senator Cohen.

Senator COHEN. I would just make one final point, Mr. Chairman. I want to come back to—it is not "the Cohen solution" by any means, in terms of looking at the machine guns as opposed to the bullets. I am told that 75 percent of the cocaine that comes into this country comes from one place, and that is, if I can pronounce it correctly, the Huallaga Valley, the upper valley—one road in, one road out. We know where it is being grown, we know where it is being produced, and we know how it is coming in with small private aircraft and very skilled pilots. With U.S. help, the Peruvian air force could interdict those planes.

I don't think those countries feel that we are serious about dealing with the problem. We still continue to treat it as a law enforcement issue. It is not law enforcement. It is a war. I believe the "Shining Path" and other types of groups control the countryside, and they have totally intimidated the local police, and they are in control.

So if we are really going to deal with the problem of interdiction, it seems to me that the most cost-effective approach is to go to the source. It may take changes in legislation, but it seems to me that is where we ought to focus our dollars.

Senator NUNN. Thank you, Senator Cohen.

Are there any other questions?

Senator WARNER. Could I ask just one other question, Mr. Chairman? Would you provide the statistics—because you know more accurately—where is the biggest source of marijuana?

Mr. VIALET. Senator, the biggest source of marijuana is in dispute, but I think it is probably coming from Mexico and the Carib-

bean. But we have a huge domestic marijuana crop here of our own.

Senator WARNER. Some people indicate that several of our States now represent the largest concentration of marijuana in this country. So before we point our finger—I share the views of my distinguished colleague from Maine—but we also have a problem right here at home in that we are a major producer of marijuana.

Mr. VIALET. Absolutely, Senator.

Senator WARNER. And it is in dispute whether we are number 1 or number 2; is that fair?

Mr. VIALET. It is absolutely in dispute, and some people I think would agree that we are at least even-steven with the foreign countries. And in a place like Hawaii, for example, which is totally under Federal control, heavily militarized, there is a huge marijuana crop right now.

So you might ask yourself if we cannot, with all the military we have in Hawaii, control the domestic marijuana crop out there, we obviously have a difficult situation in controlling our own borders and what is happening within them.

Senator WARNER. What are the leading States?

Mr. JONES. Mr. Laughlin will answer that.

Mr. LAUGHLIN. Senator, statistics recently released by the National Narcotics Intelligence Consumers Committee on the supply of marijuana from various countries indicate that Colombia is number 1 at 37 percent; Mexico is number 2 at 25 percent, and the U.S. is number 3 at 25 percent.

Senator WARNER. Thank you, Mr. Chairman.

Senator NUNN. Thank you, Senator Warner.

Thank you, Mr. Jones, Mr. Laughlin, Mr. Vialet. We appreciate all of you being here, and we will look forward to getting your next report and look forward to continuing to work with you.

Thank you.

Mr. JONES. Thank you very much, Senator.

Senator NUNN. Our next panel of witnesses consists of Lieutenant General Stephen Olmstead, Lieutenant General Thomas William Kelly, and Vice Admiral James C. Irwin.

General Olmstead has been the Deputy Assistant Secretary of Defense for Drug Policy and Enforcement and Director of the Department of Defense Task Force on Drug Enforcement. He has held these positions since October 1986, when he was recalled from the retired list and assigned these important anti-drug missions. It is a pleasure to have the General here today since we work closely with him, especially in terms of the new mission for the Department of Defense we crafted last year.

Joining General Olmstead is General Kelly, who has been the Director of Operations for the Joint Chiefs of Staff since March 1988 and has been in charge of implementing the operational plan for DoD's anti-drug detection and monitoring effort.

Admiral Irwin is the commanding officer of the Joint Task Force-Four—JTF-4—facility at Key West, Florida, which is one of the two major operational headquarters established by the Department of Defense to carry out its detection and monitoring responsibilities. Prior to his being selected as commander of JTF-4, Admi-

ral Irwin was the Coast Guard Commander for the Atlantic Area and Commander of the Atlantic Maritime Defense Zone.

Gentlemen, I think military officers testifying before Congress are always under oath, but we have a practice before this Subcommittee of swearing in all of our witnesses. So, if you will please stand.

Do you swear the testimony you will give will be the truth, the whole truth and nothing but the truth, so help you God?

General OLMSTEAD. I do.

General KELLY. I do.

Admiral IRWIN. I do.

Senator NUNN. Thank you.

General Olmstead, are you going to lead off this morning?

TESTIMONY OF LT. GEN. STEPHEN G. OLMSTEAD, USMC, DEPUTY ASSISTANT SECRETARY FOR DRUG POLICY AND ENFORCEMENT, U.S. DEPARTMENT OF DEFENSE [1]

General OLMSTEAD. Yes, sir.

If I may in the military vernacular, Mr. Chairman, I'd like to make a couple of administrative comments based upon the testimony which we were just privileged to hear.

I was pleased to hear so much dialogue about containers. I think the container threat is a very real one for things coming in.

Senator NUNN. You are speaking of cargo coming in aboard ocean-going vessels?

General OLMSTEAD. Yes, sir, the 20-by-20-by-40 cargo containers. Customs is now saying that they inspect 5 percent, but the figure that I heard and would like to correct is that they target 25 percent from the countries that we are most interested in, so their overall average may be 5 percent, but they are targeting at 25 percent—and even higher, if they have reason to.

Senator NUNN. What is the difference between targeting and inspecting?

General OLMSTEAD. Targeting means if it is coming from Colombia, it is going to get a much higher rate of inspection than if it comes from Belgium.

Senator NUNN. That doesn't mean, though, they are inspecting 25 percent from those countries?

General OLMSTEAD. Yes, sir.

Senator NUNN. It does?

General OLMSTEAD. Yes, sir. It means they are inspecting that much more from that country.

And the second point on containers that I'd like to bring out is that the problem is not going unrecognized in our drug community. The Science and Technology Committee, which is chaired by the Department of Defense, has made that the number one technological requirement that we have now. All of the law enforcement agencies join us on the Science and Technology Committee to look at a way to find some technological way to examine those containers without the heavy manpower-intensive way we have to do it today.

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[1] See p. 65 for General Olmstead's prepared statement.

We called industry in in March, and we have given our operational requirements to industry. We just recognize that's a problem that we really have to work on.

Senator NUNN. It is a huge physical effort to inspect cargo, is it not?

General OLMSTEAD. Yes, sir. We are talking about 8.5 million containers a year that come into our country. So it is a tremendous problem.

Sir, I am pleased to be here this morning in our continuing effort to work cooperatively with the Congress in defining and implementing an appropriate role for the Department of Defense in support of the battle against illegal drug use.

In recent years, we have been remarkably successful in curbing the illegal use of drugs among our own military members. Since 1981, reported drug abuse among military members has declined 82 percent, a drop largely attributable to a combination of intensive random urinalysis testing and the commitment to a zero tolerance by personnel at every level.

On the supply reduction side of the issue, we have historically been very supportive of the efforts of the law enforcement agencies. In fiscal 1988, our efforts were significant, and I have submitted for the record the figures of support that we gave to the law enforcement agencies.

Our focus today, however, is not on these past accomplishments. They are merely the background against which our broader efforts are set, and they form a baseline of support provided by the Department of Defense to law enforcement agencies, the scope of which we have significantly expanded in recent years.

On September last, Public Law 100–456, the Department of Defense Authorization Act, initiated a new era in the Department of Defense's support to law enforcement. Title XI of the Act gave the Defense Department significant new responsibilities, as enunciated by the Chairman, for lead agency responsibility in detection and monitoring, increased National Guard use, and determining in the C3I world the best way to have communications and in a secure mode.

I believe, with reference to the challenge that was given us in the Authorization Act, that we have moved deliberately and prudently in implementing these new responsibilities. While any delay whatsoever in meeting the threat posed by the importation of illegal drugs into the country is too long, the significance of our new responsibilities and the importance of carrying them out correctly dictated a thoughtful approach, and we have taken this.

The Secretary of Defense has assigned operational oversight and planning responsibility for carrying out the detection and monitoring mission to the Chairman of the Joint Chiefs of Staff. The Director of Operations for the Joint Chiefs of Staff, General Kelly, is with me and will comment on this aspect in a moment.

First let me address the enhanced National Guard program which was referred to in the previous testimony. Then I would like to talk about our communications network planning effort to support drug interdiction C3I assets.

The Fiscal 1989 Authorization Act earmarked a sum of at least $40 million to be used in support of National Guard efforts to assist

law enforcement. The law specified that to receive the funds, States must submit plans for their intended programs to the Secretary of Defense, who would then consult with the Attorney General. The plans must be in addition to the current National Guard training—in other words, it is true volunteerism—must place the Guardsmen under the control of State authorities, and must not degrade mobilization requirements. Funding was made available for pay and allowances and for operation and maintenance only.

The total number of plans approved as of this morning is 49, with 3 more over at the Justice Department for final consultation right now. Two are undergoing final staffing at the Department of Defense. To date, the Secretary of Defense has approved a total of more than $32 million for the States to implement National Guard activities in support of State drug law enforcement operations under this program.

The first year of enhanced National Guard activity was one of both productive effort and learning curve for both the Guard and the Department of Defense. I am confident that the outstanding contributions by the National Guard Bureau and others will be improved upon as we progress in this program.

With regard to our C3I communications network task, DoD was actively involved in this area long before the 1989 legislation. We established and chaired the Interagency Working Group for Drug Enforcement Communications in 1987. This developed a Telecommunications Master Plan for Drug Enforcement that applies now government-wide. The Master Plan was approved by the National Drug Policy Board, which then tasked the Communications Interoperability Working Group of the Board's Science and Technology Committee which I just referred to to develop an implementation plan.

The plan is being used as the basis for accomplishing our Congressionally-mandated task of developing a communications network to support integration of the various agencies' communications capabilities.

Our report to the Congress reflects close interagency cooperation—it has been remarkable, Mr. Chairman; everybody has really pitched in on the development of that plan. We will get this plan to you in a matter of days. It is getting final clearance from the Department of Defense.

This plan will provide a description of the funding approach to effect a secure, interoperable interagency communication plan. It highlights the fact that the communications network for drug interdiction is comprised of several communications networks, and several communications subsystems. The report is completed, and as I said, we will get it over to the Congress post-haste.

With the Chair's permission, I would like to present a brief status summary of our use of the $300 million which we were authorized and appropriated last year.

On May 18th, we completed a full program review of requirements submitted for our counter-drug effort. The Department of Defense's fiscal 1989 program was approved at that time. To date, the Defense Comptroller has transferred almost $31 million of that money to the military departments to support the State-level National Guard operations. Of the remaining funds in the appropria-

tion, $10 million will go to the States for additional National Guard operations. Sixty million dollars will be used for acquisition of communications equipment on loan to the drug law enforcement agencies. This will support the integration of their C3I request and the technical assistance with which we were charged. One hundred million dollars will be used for sensor support. There was a discussion early about various types of sensors. We have a mix now of land and sea sensors and some small sea-based deployable sensors—about $100 million for that. Thirty-nine million dollars will be used to enhance and ensure fundamental military communications connectivity to initiate networks between the sensors, between the intelligence activities and the C3I centers.

Seventeen million dollars will be used for costs associated with start-up for the fusion centers, for example, Admiral Irwin's headquarters. This will include administrative costs, temporary duty and travel costs for personnel, facility security and other basic costs.

Nineteen million dollars will upgrade baseline ADP capability at fusion centers, and $18 million will fund increased operational flying and steaming days in support of detection and monitoring.

Sir, you might recall that one of the Secretary of Defense's guidances is that things are going to be above last year's level. So this $18 million that we are funding for increased flying and steaming is going to be additive to what we did last year.

Senator NUNN. In other words, you are not taking money that you would have spent anyway and calling it drug money.

General OLMSTEAD. No, sir. We are going to watch that very carefully.

Finally, $7 million will be used for various miscellaneous costs associated with DoD activities providing nonprogrammed or budgeted support. Examples—mapping, direct special intelligence support for this type of operation.

We plan to accomplish transfer of the operation and maintenance moneys this month, June. Documents to support the required reprogramming of necessary funds for procurement should start reaching the Congressional defense committees in late June. As you recall, sir, our money was only O and M and personnel, and we have to get some of it reprogrammed. We'll start doing that now that we have our program in this month.

In sum, sir, the Department of Defense continues to be an active player. We have been a strong supporter of the law enforcement agencies. We have provided equivalent training, we have provided intelligence, we have given individual training. We have done an awful lot, and we are going to continue to be a strong player in the Nation's battle against drugs on both the supply and the demand sides of the issue.

I think our efforts have borne fruit, and we will not be relaxed in our charge as we go ahead, sir.

Sir, I have with me the J3 from the Joint Chiefs of Staff, Lieutenant General Kelly and of course, the Commander of the Joint Task Force, Vice Admiral Irwin.

Senator NUNN. General Kelly.

General KELLY. Senator, I don't have an opening statement. I have a briefing which I will lay out for you, should you want to

hear it—it will take about 10-15 minutes—what we are doing in the detection and monitoring regime, where I think we are making progress and where I think you will see more effectiveness in the future than we have in the past.

Senator NUNN. General, I think we do want to hear it. We want to see what you are doing.

Admiral, are you going to testify?

Admiral IRWIN. Mr. Chairman, I did not have an opening statement, but sitting here has prompted me to think of a few things that I really would like to say. I should say them now to make sure I have the chance.

Senator NUNN. Well, we can do it either way.

What do you prefer, General?

General OLMSTEAD. Let's take General Kelly first.

Senator NUNN. All right. General Kelly and then Admiral Irwin.

TESTIMONY OF LT. GEN. THOMAS W. KELLY, U.S. ARMY, DIRECTOR FOR OPERATIONS, JOINT CHIEFS OF STAFF

General KELLY. Senator, we have got a mission in the Department of Defense to conduct a program to interdict air and maritime shipments of drugs into the country in terms of detection and monitoring—interdiction consisting of detection, monitoring, pursuit and apprehension.

Law enforcement agencies with which we work will do the pursuit and apprehension job, and we work very closely with them, the Coast Guard and Customs Service primarily. So we elected to give that mission to four CINCs—LANTPAC, NORAD and South Com—the four being most directly involved with the routes of ingress coming into the country.

We decided not to form a special task force to perform that mission, and I want to tell you why. SECDEF, of course, has a mission; from him, all authority flows. Chairman of the Joint Chiefs of Staff, as you know, commands nothing, but he executes for the Secretary. And we went through him out to these four CINCs. Two of them formed a joint task force to do the job; two did not, and that makes a lot of sense.

The reason we did it this way is because this is precisely the way we fight a war. If we were to fight World War III—and pray to God we don't—we would fight it this way. We wouldn't fight it with a special task force. This is the way the authority flows, this is the way the responsibility flows, and when the Chairman wants to raise hell about the Caribbean Region not doing well enough, he doesn't go to Jim Irwin; he goes to the Commander in Chief Atlantic, Admiral Kelso, and he can get his attention pretty good. So we just think that that is a more effective way to do it.

In the case of the two maritime CINCs, because of their area of operations and the dissimilarity of the drug mission with their other conventional missions, they elected to form a task force and, as I said, I think that makes sense.

CINCNORAD, on the other hand, is just doing its normal job, which is keeping an eye on air traffic coming into the United States, albeit in a different regime, and CINCSOUTH is primarily at this time involved in intelligence operations.

And Senator Cohen, I do not disagree with what you said about operations in Latin America, but that is not what I am talking about here. We are just talking about the mission that we've got.

We put a lot into it, well over 300 space out of the DoD's end-strength, which was not increased. On the drug mission, on the Joint Staff, we put 21—13 of my own organization, which came out of our hide, and I also put my best folks into it because we do think this is a very important mission; a couple of J-6, or communications and electronics, and about four in J-5, which is strategic planning.

LANT has an organization 90-strong. Those spaces are just beginning to be filled now, incidentally, down here in the commands, and they will primarily be loaded in the fourth quarter of fiscal 1989. On 1 July, the two joint task forces will begin a 24-hour operation—they are almost at 24 hours now, but they are waiting for sufficient bodies to get onboard before they can do that.

In addition to what you see here—and you'll see a large line for the intelligence types—in other intelligence areas, we have about 500 people who are working on this part-time. And we think—and I will get into it more later—that intelligence is one of the areas where we can make the greatest contribution in the drug war. Senator Nunn, these are the number of people that we have allocated out of DoD resources to the drug war, or to the drug mission.

This is our organization. I think you'll see as you look at this organization that (a) it is capable of doing a lot, and (b) that we are putting an infrastructure into place that can expand in the event that that becomes required. Of course, up here, we have all the bosses. But JTF-4 on the East Coast at Key West is located close to the C3I Center on the East, which is run by Customs and Coast Guard.

On the West Coast, JTF-5 is up at Alameda, California. In both cases, facilities existed there to take this mission on; communications existed there to assist in the mission, and C3I West is at March Air Force Base, and it is colocated with the Western Sector Operations Center for NORAD, which we find to be very valuable for us. EPIC is the El Paso Intelligence Center down in El Paso, where we intend to do a lot of work in the future; that is the best single source of intelligence that presently exists. And of course, PAC is out in Hawaii.

Canada is not participating in the drug war, but is onboard with the drug war, since all of our NORAD headquarters are joint headquarters with Americans and Canadians, and they are cooperating with us.

We have an MOU that has been signed between Department of Defense, the Coast Guard, Customs Service, and we are beginning to get some benefit out of that. We are working very closely with the FAA, and as a matter of fact they are coming up with some new rules that will require aircraft ingressing into the United States to have a flight plan and to squawk certain frequencies, which has not been historically required. And of course, we are working on scheduling and have all of these headquarters lashed together with liaison. We have military people at the C3I centers, they have Customs and Coast Guard people at our centers.

Maybe the biggest contribution we have made so far is in the area of communications. We have implemented a network—and the total thing is not done yet, because we are waiting to get authorization to spend about $3.5 million of that $300 million to buy some terminals—

Senator NUNN. That authorization is from whom?

General KELLY. From last year, the $300 million.

Senator NUNN. Who has to authorize it? Is it reprogramming?

General KELLY. Yes, sir, it is going to be a reprogramming. It is what General Olmstead referred to in his——

Senator NUNN. Is the request over here now?

General OLMSTEAD. No. It will be late in the month or early next month, sir.

General KELLY. Incidentally, the two that are up now are JTF–4 and C3I East. But what we will have done for $4 million is lash the entire network that you see here, and it will be done by about September, assuming that we get the authority to spend that money relatively soon, into a single communications network which is good for the civilian stations up to secret classification and good for the military stations up to top secret classification. It uses Defense Data Network Number 1, which is autodin in, and what it actually is giving us is the JOTSVIDS terminal in each place—that is Joint Tactical Operations System—which can show visually the location of ships and aircraft, which are keyed to the mission.

In addition, all of these headquarters will have STU III telephones which are good for top secret, which will allow VOICETEL between all of them, and they are all linked with each other, which will be very significant in the future as we develop a better intelligence base.

Senator NUNN. Who is going to be manning the center right at the middle of the diagram?

General KELLY. That's not a center, sir. That is a system. That is a capability which already exists, so it doesn't have to be manned. All we are doing is tying all of these headquarters into a DoD system which already exists.

Senator NUNN. So there is no new center; it is a network that is tied together, then?

General KELLY. That's correct, there is no new center.

Senator NUNN. What role will Department of Defense personnel play in that once you have set it up? Is it to be turned over to law enforcement, or is it going to be a continuing——

General KELLY. No. Law enforcement will be users of that capability. The DoD will also continue to use it for this and other requirements that we have.

Senator NUNN. So, it will be jointly used.

General KELLY. Yes, sir. But what they are going to have down at C3I East, for example, is going to be a terminal—that's the VIDS of the JOTSVIDS visual system—that will show them the location of ships and airplanes within their region or any other region that they may be interested in. Eventually, as time passes, an amalgamation of that information results in intelligence, and we'll be able to do some predictions as to where we think the enemy, in this case the maritime and airplanes, are coming into the country, maritime vessels and airplanes.

We talked a lot in the last class about aerostats and their value and whether or not we ought to spend any money on them, and very frankly, we think we should. Now, this is where we stand now. It has been said, accurately, that we haven't had a lot of success with aerostats to date. Well, pretty obviously, that's because they are very easy at this point to fly around. If you are going to put up a fence, the fence is not very valid until you get the whole fence up, because they keep coming through the holes.

Already funded, approved and due to go in this year are the rest of these aerostats that go along the southern border and one down here. That is going to begin to give us a capability where I think we will be able to make some measurable progress.

Incidentally, all of these aerostats were funded by the Customs, procured by the Air Force, and operated by contractors. There is a lot of talk about how much use you are going to get out of them, and that they are good only 50 percent of the time. Across the front, that is probably true; we get a lot better use out of them out here because of the weather than we do back here, but the terrain is worse out here than it is back here, so it might balance off. But even if we only got 50 percent availability from the aerostat—and I think we can do better than that—that would be 50 percent of the time that we have the fence up, and it would then allow us to concentrate our other resources such as the AWACS, such as the E-2s, such as all the other things we have—and I will show you what they are in a minute—during the time that those aerostats are down to make it continually more difficult for the drug trafficker to do business as he is coming into the United States.

This is what is paid for, and we say that's not enough, because a fairly key piece of terrain is not currently covered.

So with the $300 million—and we don't have an approved DoD position yet but we think we are very close—we are asking this year to buy three more aerostats, to buy a semi-submersible with an aerostat on it that can move at 5 knots an hour so it has some capability, and to buy a ship with an aerostat on it so we can begin to move around in this maritime region down here where we expect the greatest business is going to occur that moves an aerostat and pretty much begins to close the southern border.

In addition to what I just told you, we are asking to buy a spare aerostat so that when one goes down, as one did out here, we'll be able to get it back up quickly.

There has been a lot of talk, by the way, about what it is going to cost to fix those two aerostats that came down, and it looks to me like $2.8 million total, not the very much larger numbers that were used elsewhere.

Senator NUNN. General, when you use the term "close the southern border," what you mean is to have radar coverage over that border.

General KELLY. Put up a fence.

Senator NUNN. That doesn't mean that there can't be a considerable number of aircraft that are not identified as having narcotics on them. Seeing the aircraft does not tell you what is on-board, does it?

General KELLY. No, sir, but seeing the aircraft does give you an opportunity to go check it. You recall one of the headquarters we

have working on this problem—and incidentally, they are doing a super job along with everybody else—is NORAD. There are a lot of fighter planes in the United States. We have examples, and I'll show you one or two in a minute, where we have picked up aircraft coming in and gone out and checked them. In one case, when an F-16 pulled up on an airplane, the pilot was so impressed that he jumped out the left door, and the airplane went on for a while and then crashed, and we got 19 bales of marijuana out of that.

Senator NUNN. Was he on the ground when he jumped out?

General KELLY. No, sir. He was flying over Florida. He had a parachute.

Senator NUNN. Oh, I see.

General KELLY. It made it a lot easier. But seeing an F-16 come up in your rearview mirror can be a bracing experience.

Senator COHEN. General, what can the F-16 do as a practical matter or as a legal matter? What does the F-16 do?

General KELLY. What we are going to do is detect and monitor. Monitor and pursuit are the same thing except your goal is a little bit different. We then call a law enforcement agency and say we have an airplane at such-and-such a place, and we can either tell them to land—and they don't land when you tell them to, as Customs will tell you; they go like that, turn around, and fly back to Mexico, and that is literally what they do—or we can get a Customs aircraft out there to attempt to direct the airplane to land so they can make an apprehension. We, of course, don't do that.

We have had some success in doing that so far. We have not had a great deal of success in terms of numbers in doing that so far. We think there are reasons for it. Number one, the gate is still partially open; number 2, there are other ways that they have open to them to come in.

But to answer your question, we would detect them, send an airplane up to pick them up—that could be a Customs airplane, it could be a Coast Guard airplane, or it could be an F-16—to track him to wherever he is going to go, and then we would turn him over to a law enforcement authority to effect an apprehension.

Senator COHEN. That means that number one, you have got to identify a particular type of small aircraft as flying at a certain profile, it looks unusual, then you have got to scramble an F-16 or some other kind of aircraft to track it as to where it is going and tell him to go down; he can refuse; you've got to find a Coast Guard aircraft or DEA or some other——

General KELLY. Well, I think that part is pretty easy.

Senator COHEN. That is pretty easy?

General KELLY. Yes, sir, to find an appropriate aircraft to go up and get them.

What we have been finding so far, incidentally, when we turn the radars on, whether it is in an AWACS or an aerostat, they have fuzzbusters in their airplanes, and they just turn around and don't come in. We closed the entire southern border with some AWACS, I think, on the 13th and 14th of May, something like that, and nobody flew into the United States because they knew they were there. Now, that is good news and bad news. The bad news is we didn't catch them, but the good news is they didn't try to come in.

As you begin to put a fence like this up, you limit their options, I think, you increase their cost of doing business, and you also reduce the area that you have to cover in the future in order to inhibit them.

Now, the bad news is that maybe a whole lot more—and a lot of people think it is true—is coming in in containers through legal ports. A whole lot more, I know for a fact, is coming across the border either in trucks or on foot or by very light aircraft, because I have a letter from the associate commissioner of INS who says their intelligence indicates that their business is up exponentially because they now see the drug smugglers not trying to come in through the traditional routes because we are there. The fact that we are there then makes it harder for them, and they have got to try other things. I'll get into that more in just a minute.

We are going to be putting in over-the-horizon radars which have a special capability, which is an advantage to us in terms of being able to spot aircraft that are flying into the United States.

These are put up primarily for civilian reasons, but they do in fact have a military bonus and a fairly significant one that I cannot talk about in open session, but I would be happy to talk about in closed session.

So I think that there is a synergism that is associated with developing this entire system, and what we are not showing right now are the NORAD air defense radars, which also go all the way around to the north, and we are not showing the FAA radars. And as we proceed and get better at what we are doing—and I hope we will—I know we will—all of those assets will be put into an intelligence fusion capability that will enable us, I think, to make life considerably more difficult for the individuals who want to bring drugs into the country that way. I think we are going to force them into other ways of doing business. I think there will be a lot more coming across the land border between us and Mexico—but then that would allow the United States to concentrate its efforts somewhere else and possibly to be more successful.

We understand all of this has to be done as part of a national program in both supply and demand, but I can assure you that we are dead serious about doing our part of it and doing it the best way we can. We are investing a lot of resources in it, and I think we are going to enjoy some success.

As an example, it is not only aerostats we are talking about—and with all due respect to the gentlemen who testified earlier, they were just taking a look at one piece of a puzzle. We are increasing the AWACS assets by more than 700 percent over what they were last year, and you can put zeros on that if you want to talk about the effectiveness of the AWACS we are committing. Last year, we had six committed AWACS and 30 training sorties per month. Those training sorties flew wherever they wanted to. They were not directed against drugs. They just happened to have a Customs agent aboard.

This year, we are flying 80 dedicated sorties, 50 dedicated, 30 training, but the 30 training are routed so that they go into the area where we expect drugs are coming in, and all of them are anti-drug flights. That is based on flying the airplane at 60 hours per month, which is its sustained rate.

We have the capability with the AWACS to surge vastly beyond that, up to 200 hours per month, for relatively short periods of time. If you do that too much, you begin to wear the airplanes out. So the AWACS in conjunction with the aerostats, in conjunction with the seaborne radars we think is going to pay a big dividend.

There are 13 Navy Reserve P-3 squadrons which are primarily designed to find maritime targets. The Navy is very interested in getting those folks involved in the drug war, and as a matter of fact it was their initiative that got them involved in the drug war. One of the undersecretaries of the Navy called me over and said, "We want to do it," and we said we were very happy to do that.

As you know, we have six PHMs down in the Gulf, stationed at Key West. Those boats can only go about 40 knots, whereas the fast boats can go 60, but they can do 40 knots for 19 hours, and the fast boats can do 60 for about 2 hours. So good use of them, the Coast Guard island-class patrol boat, the other patrol boats the Coast Guard has, integration, synergism and optimization of combat power I think is going to be able to make a real dent in the maritime and air efforts coming into the country. As a matter of fact, I think it is going to put an awful big crimp in their capability.

These are some of the other assets that we are using in the drug war. We mentioned the PAM's and P-3s and of course the aerostat. C-130 and WC-130s are being used on a daily basis. The entire TAC air defense capability in the United States is available to participate in this effort. And of course, we have the Army, Navy, Marine, Air Force, all of them involved in assisting at the lower levels.

The Army can make a major contribution here. We have a lot of low-level air defense radars and flight following radars that can get out and operate in the Southwest United States where there are a lot of mountains, where the aerostat may not be able to look down as effectively as we would like it to.

Incidentally, we do have the Joint Electronic Warfare Center, which works for me, doing a predictive analysis on how successful the aerostats will be in the mountains, and I cannot tell you what that answer is because it is classified, but it is a whole lot better than we expected it would be. So we are going to be pretty successful there.

I mentioned earlier that I thought intelligence was one area where we could make one of the greatest contributions, and I believe that. I think intelligence and communications—the communications that I talked about are pretty much internal to the DoD mission of detection and monitoring. OSD is working on the C3I, command, control, communications architecture, which they will have done shortly, which is going to be much broader than ours, so in that area, I think we're making major contributions.

In intelligence, we are beginning to put people all over the country. We have DIA working out at CIA; we have them working with the DEA, we have them working with the Coast Guard. We are putting in integrated efforts at all the key nodes. We have an individual right now working out at EPIC, the El Paso intelligence center. We are doing a predictive analysis thing with the Coast Guard which, based on past performance, will begin to give us indications, we think, as to what the future performance is going to be.

SOUTHCOM can play a major role. We didn't talk a lot about them. But in terms of furnishing intelligence to——

Senator NUNN. For those who may not know what SOUTHCOM is, would you define the term, please?

General KELLY. Yes, sir. That is the Southern Command in Panama, commanded by General Woerner, and right now they are preoccupied with Mr. Noriega, obviously. But they have a responsibility for all of Latin America, from the southern Mexican border all the way down through the continent—so Colombia, Peru, Ecuador, Bolivia and all the other countries down there are within their field of purview, and they can develop intelligence information.

We have a training program being conducted here in Washington right now for the people who are in this business being run by DIA.

We are making specific assessments of Colombia, Peru and Southeast Asia. We have an analytical cell that works over in the Pentagon—about 70 or so very bright young people who have been concentrating on El Salvador and who have been doing an awfully good job on El Salvador. We are now expanding that effort to include these other countries with the specific purpose of developing intelligence, and then a collection and management system, which will allow us to fuse it and to disseminate it.

We intend to do what we call strategic fusion at the Washington level, and that is future types of things, and tactical fusion will be done at JTF-4, JTF-5, NORAD and SOUTHCOM. That is the kind of thing you are going to use in the next few days in order to make an arrest or an interdiction.

Just some examples of some of the things that have happened. We cannot tell you that there has been any great upsurge in terms of the take in this area, but there has been a great upsurge in terms of things coming in through other routes, so we do think we are having some success. Sometimes success can be monitored—and I cannot argue with those statistics, by the way—but sometimes success can be measured in what is not happening if they are not coming in this way.

This first one was interesting—and I'm not going to go through all of them in the interest of time—but Air Force radar picked up an airplane that was flying north. It in turn was picked up by two F-16s from the National Guard in Maine; turned over to two F-16s from the National Guard in Vermont; turned over to airplanes from the Customs Service; landed in Canada; turned over to the Royal Canadian Mounted Police. We got the plane, we got the pilots, but the drugs got away. They got away for a reason that we know about, and we are following up on that, because somebody was involved on the ground. That airplane had 38 cans aboard that held seven gallons of fuel each to refuel it because now we are forcing them to fly all the way around the country, and the task becomes considerably more difficult, and getting pilots that have that skill is a lot harder than getting pilots who have the skill to just fly a couple hundred miles into the United States.

Later on in March, the same thing happened, almost the same scenario, but we did get the pilots and 1,100 pounds of cocaine.

You'll see some of the other numbers here. None of them are all that significant in and of themselves. But somebody mentioned in

the previous briefing that in 1 year, somebody took 5,500 pounds of cocaine. For the first 6 months of 1989, the Immigration and Nationalization Service down on the Southwest border took about 11,500 pounds of cocaine, which is an indicator that much more is coming across the southern border than in the past.

I cannot tell you we will be preeminently successful in achieving our goals with this mission, but I can tell you we'll work hard at it, and I can tell you we will be successful.

Thank you.

Senator NUNN. Thank you very much, General. I think the progress you have made since last year's bill is rather remarkable, particularly in setting up this communication network. Others have been struggling to do that for several years and you have done it in a matter of months. That was one of the things we felt that you could do, and you have justified our expectations.

My question is—and I'm not saying that this is our job—has anyone made a national assessment that says putting up this network of radars and these assets in air interdiction are going to force the drug smugglers to go in other directions, such as on the ground or in containerized cargo? Is there a grand strategy that you know anything about? For instance, are we better off or do we have a better chance of making arrests, if we do get the smugglers out of the air and on the ground or in cargo containers? Is it possible that we're taking them out of an area where we've got a better chance of arresting them and putting them in an area where we have less chance?

Has anybody thought that through?

General OLMSTEAD. Yes, sir, I'll take a crack at that. The Interdiction Committee which was formed about a year ago has the total strategy for preventing the smuggling, aerial, maritime and ground, of narcotics into the country.

Senator NUNN. Who is on that committee?

General OLMSTEAD. The committee is chaired by the Commissioner of the U.S. Customs Service; co-chairman is the Commandant of the U.S. Coast Guard; I represent the Department of Defense on it; the Department of State, the FAA, and the Immigration and Naturalization Service and the DEA also sit on that.

We have come up with a strategy that includes, for example, a strategy of defense in depth so that General Kelly and the operators can have a feel for when things are going to come north.

We recognize, with regards to the ways coming in, that it is kind of like stopping quicksilver. When we get a good defense or, as General Kelly says, a good fence, along the southern border, they are going to try and slip around the other way.

We have got to come up with answers to the container problem. We feel that we are reducing the number of entrepreneurs who are flying up in small aircraft. We feel that because of the increased Coast Guard activities and the DoD activities that we have reduced the number of pleasure boats or yachts that are bringing things up. But it is a very dynamic thing that we have to be looking at, sir; there is a national strategy.

General KELLY. But I do believe as you start closing doors, it makes your job easier to concentrate on the doors that remain

open. If we knew that containers were 90 percent of the problem that is left, we could do something about that.

Senator NUNN. Has anybody on this Committee told you, General Olmstead, that "x" percent of drugs are coming in by air, on the ground, by sea, or in other ways? Do we have a fix or any kind of reasonably accurate assessment of how drugs are being smuggled into this country?

General OLMSTEAD. Not reasonably that can be determined, Senator.

Senator NUNN. So, we are really stabbing in the dark in that regard.

General OLMSTEAD. Based upon association, based upon such things as the amount seized, based upon the number of small aircraft we find crashed in the Bahamas or on the Mexican border, we can come up with assumptions of how it comes in. But I am not satisfied that we could give you an accurate percentage that 30 percent comes by aircraft, 40 percent comes by mule across the border, and so on. We don't get bills of lading, sir, and we really don't know.

Senator NUNN. I'd like to get Vice Admiral Irwin to testify, but first let me ask if Senators Cohen and Warner have any immediate questions. Then, we can come back and ask all three of you questions.

Senator COHEN. No.

Senator WARNER. No.

Senator NUNN. Admiral Irwin.

TESTIMONY OF VICE ADM. JAMES C. IRWIN, U.S. COAST GUARD, COMMANDER, JOINT TASK FORCE-FOUR

Admiral IRWIN. Thank you, Mr. Chairman.

As I said earlier, I wasn't planning on making a statement, but as Commander of the Joint Task Force-Four down in this area where most of the drugs seem to be concentrated right now, I had a great deal of difficulty sitting here and listening to the people who testified before us and some of the things they said. I wrote down one quote, for example: "We have closed off one blind alley." They were referring to air interdiction or acquiring sensors for air interdiction.

I have difficulty with that statement. I have difficulty when they say no more funds should go to increase sensors and to increase the air interdiction capability. As General Kelly indicated earlier, their study was based on a situation where we only had part of the defense, if you will, in being. Part of the fence was made. The gates were still wide-open for people to come in. There is no way to say whether that is effective or not, in my estimation.

I would just say please don't let that affect your thinking when it comes to whether or not it is good to buy more sensors for air interdiction. I need them down there to detect and monitor traffic coming in.

Putting aside my DoD hat for a minute and putting my Coast Guard hat back on, I would say that much—very much—of the resources that have been procured for air interdiction, and also maritime interdiction, are not wasted at all. They are useful for many

things other than just drug interdiction. The aerostats that we see displayed here are very valuable for the defense of this country. They are providing something, a defense, that doesn't exist today that we vitally need.

As far as the Coast Guard is concerned, the equipment that we have received for drug interdiction, almost all of it is useful in many other Coast Guard missions, whether it is search and rescue, detecting terrorism, illegal aliens coming into this country, and mainly for our maritime defense zone.

Our borders are wide-open. We need that kind of detection out there if we are going to protect the shores of this country. So I would say please try to keep some of these things in mind.

And also, if they get around to doing the study that Senator Cohen suggested, I would urge them to be careful because when they come up with different cost-effective figures on different types of interdiction, I think in many ways it is trying to say, for example, to maintain the peace in Europe, is it better to spend our money on tanks, carriers in the Norwegian Sea, more land-based missiles, more aircraft—you need them all. And if we become effective in air interdiction, as I think you and others have indicated here, they are going to move to someplace else. You cannot stop doing in the air or on the surface or on the land. We have to do all of those things.

I would just urge us not to stop providing this kind of hardware that is so vitally needed. I do not dispute for one minute that we need this kind of money also in the demand side. I think we just plain need to spend more money on drug interdiction.

Thank you, Senator.

Senator NUNN. Well, I believe that our choice—unless we get some change in direction—is going to be choosing from among various compelling needs, including those you have outlined, with limited resources. My own feeling is that this Congress and the American people will support any level of resources that the President requests to fight drugs. The problem is, we don't have those requests; we don't have any requests to raise taxes or cut other programs in order to fund it. I believe that Congress is struggling on the one hand to increase resources and authorizations, but when it gets down to the money, something else has to be cut.

So, unless the environment changes—and I hope it does, because I think we need more overall money in demand areas, such as education, prevention, and treatment, as well as supply—we are dealing with limited resources and we will have to make hard choices as to where the money can best be spent. What I heard the General Accounting Office say today was not that they are against air interdiction, but that they were really questioning whether that is the best place to spend our additional anti-drug dollars. Would we do better to put some of these additional funds into bulk cargo inspections, or into increased ground patrols, or into building more prisons?

Right now in my home State, we are having to let people out of jail who have been convicted of many of these crimes in order to let others in. So, when you arrest somebody and have got to let another one out for each one arrested, you have to ask what the pri-

orities are regarding who should be incarcerated at the Federal and, even more important, the State and local levels.

We also have the terribly difficult questions concerning what to tell people who are just being swamped with drugs in their own neighborhoods, and whether the Federal Government should put more money into helping State and local law enforcement authorities beef up their efforts.

So, it is a matter of priorities, and that is what I hear from the General Accounting Office. Of course, they speak only for themselves; we have to make our own judgments here. To help us in this regard, we are hoping that Secretary Bennett will come up with an overall strategy that will tell those of us in the Congress which is the highest priority. We haven't gotten that guidance from the Executive Branch and we don't have the data to get it ourselves. Maybe the Executive Branch doesn't have the ability to do that, either. Indeed, it doesn't seem that anyone can tell us where we are getting the biggest payoff.

Senator Warner.

Senator WARNER. Mr. Chairman, we do know that the President is working on a plan, and his target date is September. We are also aware that under his direction, Drug Czar Bennett is compiling the various statistics and ideas and priorities, and he is doing it in consultation with the respective Cabinet officers.

Senator NUNN. That is correct, and I don't fault this President, or Mr. Bennett. As members of this Subcommittee, Senator Cohen and I have been involved in hearings focusing on drug issues for 10 years. I have seen the drug problem persist, through at least four Presidents, at least three declarations of war, and at least four declarations that the corner had been turned. So, I have seen all of this before and, therefore, I don't think it is the fault of any Administration, be it Democratic or Republican.

Nonetheless, the bottom-line point remains: we have got a major problem that has been with us a long time and is getting worse, particularly in the cocaine area. Moreover, we still don't have a major strategy for dealing with it; we don't even have a definition of what success is. Perhaps that's it on the chart on the wall; although if it is, we are losing. If the price and purity of drugs and the number of hospital emergencies are the proper criteria, we are losing. If they are not the proper criteria, one of the things Director Bennett has got to do is marshal the Federal resources and tell us how we should judge our efforts.

The problem with this is that it leaves us in the position of having to legislate in a vacuum. We are legislating without the right data, without a real indication of what the priorities ought to be, without an indication of what the payoff is, without an indication of how many dollars should go into each area and what results we can expect.

That's not to fault any of you. I frankly think the Department of Defense has gotten a bum rap since last year. I think you have done an extraordinary amount of work. Your story hasn't been told and people don't realize what you have done. Yet, we'll probably get some legislative proposals to cut all the money out of the Department of Defense budget earmarked for drugs because some say you are doing nothing. We have others in Congress who want to

use tactical nuclear weapons against the drug traffickers. We are going to be faced with all kinds of proposals that we have got to be able to sort out. That is the source of frustration——

Senator WARNER. We got it loud and clear.

Senator NUNN. Senator Cohen?

Senator COHEN. First, Admiral Irwin, I know that some of us appear to be fungible goods up here, but I believe it was Senator Levin who called for that study, just to correct the record on that.

Secondly, my colleague, Senator Warner, made the valid point that demand has to be reduced, and none of us up here question that whatsoever. It seems ironic, it took Mr. Jones, I think, 16 years to clear the GAO out from cigar smoke. I don't know if we launch any kind of preemptive attack on the Virginia tobacco plants, we might be able to accelerate that. But tobacco addiction is a serious problem.

Senator NUNN. We grow it in Georgia, too, you know.

Senator COHEN. Tobacco addiction is a serious problem. But the real problem on the crime and the drugs is not coming from home-grown marijuana. The real problems and crime, violent crime, are associated with cocaine and heroin. It seems to me that is what we have got to focus upon.

We understand that we have got to eradicate demand, but supply creates its own demand. I think Senator Nunn just remarked what do we do with neighborhoods which are just overflowing with cocaine or crack or heroin. That creates its own demand itself. So we have to attack it at all levels.

But it seems to me we do have to focus upon areas that we have identified, Peru being one of those areas where 75 percent of the cocaine coming into this country is coming from that region; we know it, and yet the local government seems to be helpless in dealing with it, relatively. So I think we have got to look at other ways of helping those countries. We cannot assume the obligation. We are not going to go in and land special forces in there to start destroying the infrastructure. But it seems to me we have to start looking at what we have done with security assistance to those regions, to really treat it not as law enforcement but as a war as such.

You have narco-terrorism, which we know about. You had a State Department official testify just last week about this problem. I think he called it "narco guerilla connection."

General Kelly, I was interested in the chart you had up with all the various CINC plans and PACCOMS and so forth. You did not have any reference to SOCOM (Special Command). I would assume that we ought to be treating this question as involving unconventional warfare.

Now, Senator Nunn, Senator Warner, myself and others were very active in trying to set up an Assistant Secretary of Defense for Special Forces, low-intensity conflict, to deal with unconventional threats. And it seems to me that the influx of drugs and the association with terrorist activities or insurgent activities would be an unconventional type of threat that we are facing.

I would also suggest there are probably some assets that the special forces command could make available in this particular effort.

Admiral Irwin?

Admiral IRWIN. Senator, if I may, this coming Monday, General Lindsay and his staff are coming to Key West to Joint Task Force-Four to talk just about how the special operations command can be involved in this. We are very interested in this.

General KELLY. Senator, let me add to that. I was active in that, too, because I was heading up JSOA when that command was formed. We formed it within 6 months, we made the cut and got the flag up. They are deep in our deliberations in the entire drug problem. They are well-organized and trained to assist in that problem. We have got to sort out what the national military priorities are, and I think Steve Olmstead can add to that because he is about to make a trip, so I'll turn it over to him.

General OLMSTEAD. We do have a rather high-level council, Senator Cohen, which is examining the very questions you brought up, not just in the upper Huallaga Valley, but throughout all the Andean regions down there—what ways within the existing laws can we help, and other requirements to change some of the laws so that we can help—whether it is assistance to get the target countries more involved with their military—as we know now, none of their military are involved down there, or at least to a very small degree.

Senator COHEN. What do you identify as the barriers that exist today that prevent more effective assistance going to those countries who have insurgencies who are related to drug trafficking?

General OLMSTEAD. I think the national psyche down there is that it is our problem, and we shouldn't be coming down with our solutions which are going to stir up the peasantry, stir up the local people to possibly go into greater alliance with the "Shining Path," for example.

Senator COHEN. Are you suggesting that the governments of those countries really believe that it is a demand problem, and they have no responsibility in terms of curbing the export of cocaine, or is it a question of whether or not they think we are serious in providing the kind of assistance that would enable them to deal with it? When I see photographs of local police officers hiding because members of the "Shining Path" are firing into a village, for example, it seems to me that it is very clear that the local government, or the government, does not have control of the rural areas, and that they don't see us as providing much in the way of assistance to help them gain that kind of control.

I have seen reports, for example, that the "Shining Path" has RPGs, .50-caliber machine guns; a number of their members have received training in Libya in terms of military or paramilitary activities. And what do the local governments have to counter that kind of organization, support and ability to intimidate the peasantry? That is an area, it seems to me, where we can be helpful if they are willing to be of assistance. If they are not, we've got a different problem. My understanding is that they are interested.

General OLMSTEAD. I would suggest in the area you are just discussing, Senator, their number one concern is the guerilla and not the drug salesmen. There is no doubt about that. I have had a minister tell me that, "You are the problem," that "If your people don't demand it, our peasants won't grow it."

Senator COHEN. Is there a problem with any of these countries, Peru, for example, that we cannot provide them with military assistance or security assistance because they are behind in their payments on foreign military sales?

General OLMSTEAD. That's accurate.

Senator COHEN. Should that be re-examined in terms of dealing with this question as requiring some relaxation of that? Is that something that you would recommend, or is it something where we should insist upon compliance—pay your bills, or you get no help?

General OLMSTEAD. I don't speak for the Secretary of Defense on that——

Senator COHEN. I am not asking you to speak for him. Tell me what your opinion is.

General OLMSTEAD. Steve Olmstead thinks we ought to examine it.

Senator COHEN. General Kelly.

General KELLY. Yes, sir, I think we ought to look at ways to help them help themselves, understanding that economic aid has to be part of the package, because the people growing the cocaine will starve if they stop doing that. So they need some alternatives.

Senator COHEN. Admiral Irwin.

Admiral IRWIN. Sir, the area you are talking about really is not in my area of operations. My area, though, does include the Caribbean countries, and they could certainly use a lot more help.

Senator COHEN. Thank you very much.

Thank you, Mr. Chairman.

Senator NUNN. Senator Warner.

Senator WARNER. Mr. Chairman, earlier I observed that it is my personal opinion that drugs pose a greater threat to our internal security, not national but internal security, than any potential threat from Communism, and I stand by that. But at the same time, the primary mission of the armed forces is to be the protection of our national security and that of our allies.

In your professional judgment, General Olmstead, has there been any denigration of this primary mission as a consequence of these added missions for drug enforcement?

General OLMSTEAD. On the 6th of January, sir, the Secretary of Defense gave his guidance and said that there will be no denigration. I am confident that the Joint Chiefs will follow that direction.

Senator WARNER. In fact, judging from your testimony this morning, I think it can be inferred that there has been some degree of enhancement in our primary mission of deterrence, resulting from the training that you have received, the added assets, that while dedicated for the moment, Admiral, to drug enforcement, are in readiness for other missions should you be called on.

Admiral IRWIN. Yes, sir.

Senator WARNER. So I wish to make that point very, very clear.

Now, I want to address the question of the military bases that we closed and the ability to utilize some of these assets for purposes of what we call limited security incarceration and possibility a "boot camp" type training program. Under such a program we would take some of the younger offenders and give them a whole new perspective of life under the guidance of a rigid military discipline in hopes that they would not return to drugs as a means of occupa-

tion. Could you touch on that, General—first, the likelihood that we'll be able to utilize some of the excess military bases for purposes of limited incarceration, and secondly, the training programs.

General OLMSTEAD. We are looking at two things based under two acts. One was the Base Closure Act, of course, which announced which bases are going to be closed, and also last year in the Authorization Act where we were charged to examine the under-utilization of DoD bases.

Based upon the Base Closure Act, we have in cooperation with the Department of Justice, particularly DEA and some of the other organizations, gone out to satisfy requirements that they might have for training.

The Bureau of Prisons and HHS have also asked us for these lists, and we have cooperated with them. Sometimes, though, Senator, their requirements are awfully exacting. They don't give us a broad generic thing; they want 20 hospital beds or 20 prison cells. And as you know, most of our military detention facilities are dormitories, not lock-up cells.

When they talk about turning over under-utilized hospitals, I guess somebody went through a ward and found four or five empty beds. When you rehab druggies, usually that is a storefront type of operation where he comes in and gets his methadone or whatever he is going to get. So we have to look very carefully.

When they ask us for space for prisons, 300 spaces or whatever it is, when they ask us for 500 hospital beds, we have to sometimes step back and ask what do you really want. And we have helped them quite a bit in doing that.

Senator WARNER. Well, I judge from conversations with Mr. Bennett that he is on a learning curve in this area, and I am certain that together you can work out those technical problems.

I suggest also that you bear in mind, in the likely prospect that we begin some integration on the military bases, either abandoned or colocated with existing facilities, certain drug treatment or incarceration, that we bear in mind the safety of the military families who are there, and I am sure you have had a lot of experience in caring for them.

General OLMSTEAD. Yes, sir.

Senator WARNER. Lastly, Mr. Chairman, the subject of intelligence. The Chairman and Senator Cohen and I serve on the Senate Intelligence Committee, and we have had some background in that area. Could you inform us as to how successful the military has been in providing to the other departments and agencies of the Executive Branch intelligence gathered in connection with your own ever-present military responsibilities. Presumably you have added some responsibilities directed at drug enforcement.

General OLMSTEAD. If I could address the strategic part, Senator Warner, and then Tom can take on how they are going to do it operationally, and Jim, if he needs to.

Senator WARNER. Yes.

General OLMSTEAD. We recognized, I think, in the anti-narcotic community within the last 2 years that we were kind of weak in the intelligence arena. One of the strategies which was formed under the previous Administration, therefore, was an intelligence

strategy to amalgamate all of the assets and capabilities that we had.

This organization was given to the Drug Enforcement Administration to chair. DoD obviously was a key player; DIA played on it, NSA played on it, we all played on it. But about 2 years ago was the first time we really started getting together on it. A lot has developed out of that now. CIA now works with us. We are using information that can be presented to law enforcement in a prosecutorial manner. That is not an easy thing to do. We have to work at that for some time.

We do have a national structure now that will work at that. We have tasked everybody to cooperate with the operators, and they come up with their own essential elements of information or their operational requirements, and say, "I need this," and I will turn to Tom on how you are doing on that.

General KELLY. To answer your question, we are not doing very well.

Senator WARNER. We are not doing very well.

General KELLY. Yes. But I think that we are on the threshold of doing very well. We are putting resources in, but an awful lot of what we have right now are promises. We have not worked out the procedures completely with the law enforcement agencies. We have not worked out everything with CIA, NSA, and DIA. But we are going to do that, and if you call us back here in a few months and we don't give you a better answer than that, then we ought to be in trouble.

Senator WARNER. Well, I was aware of some of your response beforehand, and I am puzzled by it. These drug individuals are just as much an enemy as anyone who has ever attacked this country. And we had in place a military intelligence system in each of the departments—Navy, Army, Air Force, and to some extent in the Marine Corps. Why weren't these trained specialists able to turn to this new enemy and provide more quickly the needed intelligence?

General OLMSTEAD. I can give you some very good examples in closed session, sir, or in private as to how that has been successful. That has not been the failure of intelligence. It is not those people you just described.

Senator WARNER. General Kelly, did you wish to add to that?

General KELLY. It has been a question of focus. We are now focused. It has taken us a little bit of time to get the right people, and the right place, the right kind of liaison, and the right kind of training. We are still getting the information worldwide; as a matter of fact, we are getting better and more precise information because we are prioritizing what is coming in.

And I don't mean to indicate that we are not doing anything right now——

Senator WARNER. I don't think you indicated that, but you were very candid and pragmatic, and I have heard it from other sources. We have just not had the measures of success to date that we had anticipated.

General KELLY. But I think it is coming, I really do, and I think we are putting mechanisms in place to do it.

Senator WARNER. We are running out of time, and you are probably better aware of it than I. So I am hopeful, because intelligence

is a tremendous multiplier of interdiction, be it air, sea or over land, and I would hope it is not a question of dollars or resources that has caused the problem. But again, as you point out, General Olmstead, more likely it is a learning curve that you are on, and you are about through the learning process, and the results are going to come in.

Mr. Chairman, I thank you again for convening this hearing and inviting me to participate. I think we have learned a great deal today, and I join you in stating that the Department of Defense has stepped up and done a commendable job in accepting the challenge to be a participant, one of several in this struggle against drugs.

Senator NUNN. Thank you very much, Senator Warner. I very much appreciate your participation.

Let me also remind all of you, as you already know and are no doubt doing, not to wait on specific requests on all of this. There is nothing that says the Department of Defense cannot come up with their own suggestions, since you know what your problems are. Having discussed this matter with Director Bennett, I believe he would be very anxious to get your suggestions, because you know better than anyone what your assets are and what they can do and do well. So, I would urge you to take the initiative and let people within the Executive Branch and Congress know what you need.

I still have several questions I will submit for the record, but, I also want to ask just two or three others before we run out of time this morning. Referring to your earlier mention of National Guard anti-drug efforts, I don't know whether 25, 30, or 40 percent of the marijuana we consume in this country is grown here. What are the primary States that are growing marijuana in this country?

General OLMSTEAD. I can give you four out of five, sir. California, Oregon, Washington—Kentucky is fifth, and for the life of me, I cannot remember who is number four.

Senator NUNN. Is Tennessee in there?

General OLMSTEAD. I don't know. I'll get that for the record, sir, but that is four out of the five right there.

[The information referred to follows]

During the 1988 eradication and suppression program, termed "Operation Stop Crop", 5,343,980 cultivated cannabis plants were destroyed. Five states (Hawaii, Tennessee, Kentucky, Missouri, and California) accounted for approximately 63 percent of this total.

SOURCE: National Narcotics Intelligence Consumers Committee: "The Supply of Illicit Drugs to the United States," April 1989.

Senator NUNN. What are we doing about this home-grown marijuana? You explained earlier that the National Guard is submitting plans and you are giving them money once the plans are approved. Are any of those plans directed toward eradication of marijuana in the States that are the high producers?

General OLMSTEAD. Eradication, yes, is in their plans. More appropriately, they ask for aerial transportation of State policemen or other law enforcement agencies who could go there. As far as having the National Guardsmen pull up the plants, no, I don't think we've got that. It is transportation to get the people to arrest the growers and things like that.

Senator NUNN. It seems to me this is important for two reasons: (1) obviously, to get rid of the marijuana; and (2) to be able to go to

other countries in Central and South America and say to them, "We want you to stop the production in your own country, we want to help you to do so, and we are doing it in our own country." Until recently, when we go down there their officials look at us and say, "Well, how can you come down here and tell us to clean up our production when you are growing marijuana by the hundreds and hundreds of tons in your own country." In effect, it seems to me that this makes us lose international credibility.

If I don't know whether the National Guard plans are the appropriate ones or not, but it seems to me that the National Guards have substantial resources and do a substantial amount of training. It looks like to me that crop eradication would be an ideal mission for National Guard units in the States that have the most significant marijuana cultivation problems. Is that part of what is being looked at in connection with expanded National Guard anti-drug efforts?

General OLMSTEAD. Yes, it is.

Senator NUNN. Is it an important part?

General OLMSTEAD. It is an important part. I would tell you, though, Senator, this year most of them jumped at what they would call local interdiction type of plans. The border States, for example, are all trying to find ways to have watches and assist Customs and people like that on the transportation coming in.

Senator NUNN. Should we encourage it more by statute? I mean, as Senator Cohen said, to be chasing the machine gun bullets in South American countries, when we've got some being fired right here in our own States, which are being ignored——

General OLMSTEAD. I'd like to change Senator Cohen's simile a little bit when he talked about war. It is the strangest war I ever heard of. The only success in this thing is that the victim says, "Hey, come take me." I can tell you how to stop this war; just stop having victims.

Senator NUNN. Yes, they are running out and grabbing the bullets and paying for them is what you are saying.

General OLMSTEAD. They are asking for the bullets to come their way, yes, that is exactly right.

On your point about the National Guard, sir, it has been a learning curve. We had not only the 50 States, but we have five territories make a contribution. I think next year we are going to have a refined general plan on what they want. They had a bit of a planning frenzy last November and December when they all of a sudden found out they were going to get some money, and they wanted to come back to us. So next year is going to be more sophisticated.

Senator NUNN. Well, I have had people in law enforcement tell me that they know about some of the areas where marijuana is grown in this country—I won't try to name them because I don't have that documented—but that some of the growers are so heavily armed and have such extensive paramilitary equipment that local law enforcement authorities are almost incapable of going in and dealing with them. It seems that it is going to take a National Guard-type organization to support local law enforcement efforts to get in there and do it the job.

General OLMSTEAD. We could do that under Title XXXII, as you know. Right now, we are not doing the actual law enforcement, apprehension, arrest thing—they could do it.

Senator NUNN. The National Guard would be able to do it under that kind of mission.

General OLMSTEAD. Yes.

Senator NUNN. What is that exception? Maybe you could explain that to us.

General OLMSTEAD. Well, under Title X, they are restricted by the Posse Comitatus Act from participating in any arrest and apprehension of an American citizen. Under Title XXXII, they are under the law enforcement control of the Governor of their State; he therefore can use them in any law enforcement activity he would like to do.

Senator NUNN. And, they have been used historically from time to time.

General OLMSTEAD. Yes, sir.

Senator NUNN. I understand that the U.S. Customs Service recently expressed the view that it could, on the grounds of DoD's new detection and monitoring mission, abrogate the 1987 memorandum of understanding (MOU), wherein Customs and Coast Guard agreed to rotate the Miami Command, Control, Communication and Intelligence Center Director's position every two years. That position was due to be rotated to the Coast Guard in July, 1989. Although it is my understanding that Customs has now changed its view and has agreed to abide by the original MOU, I still have a question as to whether this has been truly resolved. Every time we think we've put one of these things to bed and gotten the conflict resolved, it pops back up within a year.

Admiral, could you address that? Has this one been solved? Have we got Customs and Coast Guard on the same team?

Admiral IRWIN. I can only address that from the standpoint of how it affects me as Commander JTF-4. I am still waiting to try to get a memorandum of agreement with one of the agencies concerning C3I, and I haven't had any success on that yet.

Part of the problem is the two agencies don't agree on how it should be run, and therefore I cannot come up with a memorandum of agreement until they agree.

Senator NUNN. What is the effect of these Government agencies' inability to agree? How does that affect you and your operation in the field?

Admiral IRWIN. Well, sir, it hasn't affected me yet because I am not in operational status yet. But in a fairly short time, in the next several months, when we become operational, I am going to need to know whom it is that I am talking to over there in C3I and who is in charge. I don't know that right now.

Senator NUNN. Well, it is affecting somebody out there now because somebody is already struggling with this problem.

Admiral IRWIN. Well, sir, what you have right now is instead of a joint operation, you have two agencies each running their own forces from this one location.

Senator NUNN. General Olmstead?

General OLMSTEAD. Two years ago November, over in the U.S. Coast Guard headquarters, it was determined at that time to make

Richmond Heights, the new command, control, communication and intelligence center, a joint operation. At that time, we agreed that the U.S. Customs Service would be the first commander of that activity, and it was also agreed that it would be a rotating one, on a 2-year basis.

I also heard hallway rumors like you alluded to, sir, that Customs wanted to abrogate the agreement made in November of 1986. It is my understanding that there will be no abrogation; that it was handled within the Administration, and both agencies were told there is no problem, we will continue with the march as we agreed to do in 1986. I know of no change to that, sir. I will provide the MOU for the record.

General KELLY. And the Coast Guard will assume the director's position. I think it is solved.

Senator NUNN. Does that make sense to you? Does the original agreement make sense? Has there been anything intervening that says it should be changed?

General OLMSTEAD. We had a lot of explanation to do at that time, Senator, to tell them what "joint" meant. At that time, they thought "joint" meant that two guys would sit down together and discuss every operation, and we told them that no, joint has to mean one person responsible for the activity, but the organization will be joint.

I have found no reason to complain about the way it has run in the last 2 years, and I expect it will run just as good organizationally.

Senator NUNN. Admiral, you look like you want to say something here.

Admiral IRWIN. Yes, sir. I think there is a problem with the way it is run right now. You need to have one person speaking for the joint organization. You cannot have two different people doing it. And you need to have them operating together as a single entity. I think that will happen, and I think that is good, and I think that will be better than the way it is right now.

Senator NUNN. Does that mean we need to change the original memorandum of understanding?

Admiral IRWIN. No, sir. I think under the memorandum of understanding covers the situation.

Senator NUNN. You think it ought to be adhered to, then.

Admiral IRWIN. Yes, sir.

Senator NUNN. You don't see anything that has changed that would warrant changing the MOU?

Admiral IRWIN. No, sir.

Senator NUNN. General Kelly?

General KELLY. I think it will be adhered to. I don't think it needs to be changed.

Senator NUNN. I understand that the Civil Air Patrol (CAP)—the U.S. Air Force Auxiliary Organization that for some time has been successfully supporting our anti-drug efforts by, for instance, flying surveillance missions for the Customs Service—is facing a funding cutoff from two Federal agencies with which it has been conducting operations. I am further informed that such past Civil Air Patrol efforts incur average costs of about $50 an hour and that some of

the comparative military-type costs can exceed $1,000 an hour—in other words, the CAP can do it pretty cheaply, relatively speaking.

Is the Department of Defense aware that CAP is being cut off? Is there any reason for not using part of the Defense Department's anti-drug appropriation to prevent this threatened cutback in their operations? How do you evaluate what the CAP is doing?

General OLMSTEAD. Mr. Chairman, I am going to have to look into that. Complaints about the CAP in the past, we have handled expeditiously, and we have gotten them taken care of. I am unaware of the comments you made. I will look at that and get back to you.

Senator NUNN. Well, it may be bum information, but if you would look into it we'd appreciate an answer for the record.

General OLMSTEAD. We will, yes.

[The information referred to follows:]

We are unaware of any cut off of funds from other Federal agencies requesting Civil Air Patrol (CAP) support. A Memorandum of Agreement between Drug Enforcement Administration (DEA), U.S. Forest Service (USFS), the CAP, and the Air Force contains the following language: "Payment for mission expenses will be made by DEA or USFS as appropriate pursuant to the Economy Act (31 U.S.C. 1535), directly to the CAP." In view of that reimbursement agreement, identifying the Economy Act as the guide for said reimbursements, and upon advice of the DoD General Counsel, I must report that the Department of Defense is legally prohibited from expending funds on CAP activities performed under the provisions of this agreement.

Senator NUNN. We will have other questions for the record and will leave the record open for 10 days. Gentlemen, I am sure we'll be hearing from you again. We will probably have to have another hearing on this subject in the Armed Services Committee, before we go to the Floor with the defense authorization bill. That will be about a month from now. I hope we will have additional information then, because I do expect a lot of attention on the issues we've heard about this morning, both on the Floor of the Senate, as well as in the Committee on Armed Services.

You have been very helpful. I think we have seen progress being made. I think the Department of Defense is involved in the battle. However, I believe we also have a long way to go in terms of an overall strategy, although Director Bennett is working on that now. I hope we will have a strategy—one that is flexible and dynamic and ties together all our supply and demand reduction efforts. It cannot be something we have and put to bed forever, and say that's it.

So, we thank all of you—General Kelly, General Olmstead and Admiral Irwin—for being here, and the Subcommittee will now adjourn.

[Whereupon, at 12:48 p.m., the Subcommittee was adjourned.]

APPENDIX

United States General Accounting Office

GAO Testimony

For Release
on Delivery
Expected at
10:00 a.m. EST
Friday
June 9, 1989

Capabilities for Interdicting Airborne Drug Smugglers Are Limited and Costly

Statement of
Arnold P. Jones, Director
Administration of Justice Issues

Before the
Senate Permanent Subcommittee on
Investigations
United States Senate

CAPABILITIES FOR INTERDICTING AIRBORNE DRUG SMUGGLERS ARE LIMITED AND COSTLY

SUMMARY OF STATEMENT BY
ARNOLD P. JONES
DIRECTOR, ADMINISTRATION OF
JUSTICE ISSUES

Federal spending for anti-drug efforts cost about $1.1 billion in 1981 and is expected to reach $5.5 billion in 1990. Despite increased spending, anti-drug efforts are not working: the amount of drugs entering the country is growing; the prices of illegal drugs are going down; and drugs such as cocaine are still easily available to consumers in big cities, small towns, and rural areas throughout the United States. Crime and violence associated with drug trafficking and use are severely straining criminal justice systems and eroding the public order.

Efforts to control airborne drug smuggling (air interdiction programs) are aimed at smugglers using private aircraft to primarily transport cocaine and marijuana from Latin America and the Caribbean into the United States. Federal spending on air interdiction programs increased from $18 million in 1982 to about $200 million in fiscal year 1989. These amounts do not include approximately $330 million authorized in fiscal year 1987 for DOD assistance to civilian air interdiction agencies.

Drug seizures by air and other interdiction efforts have not reduced the supply of illegal drugs available to consumers. Planned deployments of additional radar systems and improvements in command, control, communications, and intelligence systems (C3I) may increase the effectiveness of air interdiction efforts, but will be very expensive--including at least $124 million for radar acquisitions and over $50 million for Customs' C3I system. These costs do not include any of the $300 million authorized in fiscal year 1989 for DOD aid to air and marine interdiction efforts.

Decisions about providing funds for additional air interdiction efforts should not be made without considering whether these funds could be put to more effective use on some other aspect of the Nation's war on drugs. GAO is not convinced that spending more on air interdiction is the best use for additional funds. There are insufficient data, however, to draw a definitive conclusion as to how funds can best be spent fighting the war on drugs. Accordingly, Congress may want to pursue the issue further with key administration officials before deciding on specific authorization and appropriation levels for all aspects of the war on drugs.

Chairman Nunn and Members of the Subcommittee:

We are pleased to be a part of your hearings examining federal capabilities for controlling airborne drug smuggling, including the potential role of the military in supporting civilian drug interdiction efforts.

As you will recall, Mr. Chairman, the Comptroller General testified before you on June 8, 1988, in your capacity as Chairman of the Senate Armed Services Committee, on federal drug abuse control policy and the role of the military in anti-drug efforts. My remarks today are intended to build on that testimony, by focusing on the results of our review of federal efforts to control airborne drug smuggling.

The General Accounting Office has just released a report on air interdiction, entitled "Drug Smuggling: Capabilities for Interdicting Private Aircraft are Limited and Costly." This is the third and last in a series of reports responding to the requirements of section 1241 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180), and printed copies of the report will be available for distribution in the near future. My statement highlights the contents of that report.

Over the past year, we interviewed headquarters and field officials from Customs, Coast Guard and DOD units (including the Air Force, Army, and Navy) at 24 locations involved in air interdiction efforts. At these offices, we analyzed documents such as interdiction case files, operations manuals, maintenance records and radar logs.

Mr. Chairman, the bottom line of my testimony and of our report is simple: air interdiction programs are very costly and have limited capabilities. While air and other interdiction programs have resulted in the seizure of substantial amounts of drugs, these seizures are small compared to the amounts successfully smuggled into the United States. We are not convinced that spending additional millions of dollars to expand air interdiction programs is the best use of the limited resources available for federal anti-drug efforts. However, we do not have sufficient evidence to draw a conclusion about the most effective programs on which scarce federal funds can best be spent to fight the war on drugs.

Background

Federal efforts to control airborne drug smuggling have increased dramatically during the 1980s. These efforts, known as air interdiction programs, are aimed at smugglers using private aircraft to transport illegal drugs from foreign countries

(primarily cocaine and marijuana from Latin America and the Caribbean) into the United States. Federal spending on air interdiction programs increased from about $18 million in 1982, to an estimated $200 million in fiscal year 1989. These amounts do not include approximately $330 million authorized in fiscal year 1987 for DOD assistance to civilian air interdiction agencies.

Air Interdiction Results

Air interdiction programs have resulted in the seizure of substantial amounts of drugs. For example, about 28 tons of cocaine were seized through these programs in 1987. However, these seizures and those from other interdiction programs are small compared to the amounts successfully smuggled into the United States.

Customs Service averaged about 5 interdictions of drug smuggling aircraft a month over the fiscal year period 1983-1987. In 1987, about 55,000 pounds of cocaine and 175,000 pounds of marijuana were seized from private aircraft. Many of these seizures, however, were by-products of "controlled deliveries"--undercover law enforcement operations in which federal agents allowed drug smuggling operations to take place in order to arrest key drug traffickers and disrupt the operations of drug trafficking networks.

After controlled deliveries are accounted for, the impact of air interdiction may be less than reported. The Miami Air Branch currently is Customs' most successful air interdiction unit. In fiscal year 1988, it was involved in seizing 70 percent of all the cocaine seized by Customs air interdiction programs. During that period, controlled deliveries accounted for more than half of Miami's cocaine seizures.

Despite substantial seizures, air and other interdiction programs have not reduced the overall availability of illegal drugs to U.S. consumers. The Drug Enforcement Administration (DEA) estimates that the price of cocaine has decreased over the last 5 years, while the purity of cocaine being sold to consumers has remained high. According to DEA, these trends indicate an overall increase in the availability of cocaine.

Air Interdiction System Vulnerabilities

Gaps exist in the radar coverage that the present air interdiction detection network provides. In addition, all radar detection systems have inherent technical constraints that limit their ability to detect the small aircraft typically used to smuggle drugs. According to agency interdiction officials, drug smugglers are able to exploit these vulnerabilities, although the extent to which they do so is unclear. Customs and Coast Guard

have been able to respond to most radar detections of suspected air smugglers, but most aircraft they have pursued turned out not to be engaged in smuggling. Our analysis of Customs data shows that only about 10 percent of air interdiction missions in fiscal years 1987 and 1988 resulted in seizures.

The current federal air interdiction strategy includes plans to expand the existing aerostat detection network from 5 to 16 aerostats, providing radar coverage for most of the U.S. southern border. However, aerostats must be taken down for maintenance and cannot operate in severe weather. Consequently, current aerostats are operational only about half of the time. The strategy also includes plans to acquire two more long-range radar aircraft (Customs and Coast Guard currently operate nine radar aircraft dedicated to drug interdiction including two long-range radar aircraft recently acquired by Customs.) The estimated cost of acquiring the six aerostats not already funded and two long-range radar aircraft is at least $124 million.

Customs and Coast Guard have plans for coordinating air interdiction detection activities with their interdiction response assets. Customs is developing a command, control, communications, and intelligence (C3I) system to coordinate radar detections and intelligence on drug smuggling activities with air interdiction response aircraft. The system, which is still evolving, will cost over $50 million, and its impact cannot yet

be determined. As of June 1989, DOD was beginning to carry out new responsibilities for detecting air and marine drug smugglers and integrating drug interdiction C3I assets authorized by the Fiscal Year 1989 National Defense Authorization Act. The Act authorizes $300 million for DOD anti-drug programs in support of civilian anti-drug agencies. The impact of DOD's new responsibilities on drug smuggling detection and C3I asset integration is not yet known.

Matters for Congressional Consideration

Our reports have noted the need to address the Nation's drug abuse problem through a centralized and comprehensive approach. Such an approach should address both the supply of illegal drugs and the demand for them. To date, neither the administration nor Congress have been able to commit sufficient funds to adequately deal with both aspects of the drug problem. Decisions about providing funds for additional air interdiction efforts should not be made without considering whether these funds could be put to more effective use on some other aspect of the Nation's war on drugs. We are not convinced that spending more on air interdiction is the best use for additional funds. There are insufficient data, however, to draw a definitive conclusion as to how funds can best be spent fighting the war on drugs. Accordingly, Congress may want to pursue the issue further with key administration officials before deciding on specific authorization and appropriation levels for all aspects of the war on drugs.

STATEMENT OF LIEUTENANT GENERAL STEPHEN G. OLMSTEAD, USMC

DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR

DRUG POLICY AND ENFORCEMENT/

DIRECTOR, DOD TASK FORCE ON DRUG ENFORCEMENT

DEPARTMENT OF DEFENSE

BEFORE THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

JUNE 9, 1989

FOR OFFICIAL USE ONLY UNTIL
RELEASED BY THE COMMITTEE

Good morning, Mr. Chairman and members of the subcommittee. I am pleased to be here this morning in our continuing effort to work cooperatively with the Congress in defining and implementing an appropriate role for the Department of Defense in support of the battle against illegal drug use. In recent years we have been remarkably successful in curbing the illegal use of drugs among our own military members. Since 1981, reported drug abuse among military members has declined 82 percent, a drop largely attributable to a combination of intensive random urinalysis testing and the absolute commitment to a zero tolerance goal by personnel at every level. In addition, we have drug abuse education programs in our overseas and stateside dependent schools. These programs reach close to 190,000 students and have received the support of the entire military community. In similar fashion, we instituted a program in which our military recruiters emphasize the Services' commitment to a policy of no drug use in their discussions with high school students. We have also initiated a policy in which all Defense contracts dealing with national security or public health and safety must have a drug-free workforce policy in effect. Such a program must include employee education, supervisory training and some type of drug testing.

On the supply reduction side of the issue, we have historically been very supportive of the efforts of drug law enforcement agencies to interdict narcotics illegally entering the United States and to support producing nations in their efforts to eradicate illegal drugs at the source. In FY 1988 our efforts

were significant. We flew in excess of 28,000 hours of aerial surveillance in support of drug law enforcement agencies. We provided over 2,000 ship days to the Coast Guard's LEDET program and we currently have more than $300 million in equipment on loan to law enforcement agencies. We also made 26 operable UH-1H "Huey" helicopters available to the Department of State for use in their overseas counternarcotics efforts and, in January of this year, offered 15 P-3A aircraft to the law enforcement community. Finally, our training support to law enforcement agencies continues to grow in such areas as survival training, language skills and weapons proficiency.

Our focus today, however, is not on these past accomplishments. They are merely the background against which our broader efforts are set and they form a baseline of support provided by the Department of Defense to law enforcement agencies, the scope of which we have significantly expanded. On September 29, 1988 Public Law 100-456, the FY 1989 Defense Authorization Act, was signed into law, initiating a new era in the Department of Defense's support to law enforcement. As you know, Title XI of the Act gave the Defense Department significant new responsibilities in the area of law enforcement support, including lead agency responsibility for the detection and monitoring of aerial and maritime drug smuggling into the United States; planning responsibility for a communications network that would support the integration of United States command, control, communications and technical intelligence assets dedicated to drug interdiction; and an enhanced role for the National Guard, under the direction

of state governors, to support state drug interdiction and enforcement operations.

I believe that we have moved deliberately and prudently in implementing these new responsibilities. While any delay whatsoever in meeting the threat posed by the importation of illegal drugs into this country is too long, the significance of our new responsibilities and the importance of carrying them out correctly dictated the thoughtful approach which we have taken. I am quite confident that the law enforcement agencies involved and the American people who are providing the more than $300 million behind our efforts will be satisfied with the outcome.

The Secretary of Defense has assigned operational oversight and planning responsibility for carrying out the detection and monitoring mission to the Chairman, Joint Chiefs of Staff and I will defer shortly to LTG Kelly, the Director of Operations for the Joint Staff, who will comment on that aspect of our work. But first, let me address the enhanced National Guard program, and our communications network planning effort to support drug interdiction C3I assets.

Title XI of the FY 1989 Authorization Act earmarked the sum of at least $40 million to be used in support of National Guard efforts to assist law enforcement. The law specified that to receive funds, states must submit plans for their intended programs for the Secretary of Defense to approve subsequent to consultation with the Attorney General. Plans must be in addition to current National Guard training activities, must place

the Guardsmen under the control of state authorities and must not degrade mobilization readiness. Funding was made available for pay and allowances and for operation and maintenance only.

On October 14, 1988, the Chief of the National Guard Bureau asked each state Adjutant General to develop and submit a state plan, on behalf of their State Governor, for Defense Department consideration. Responses to this request were both immediate and very positive, enabling us to announce the award of the first 12 grants -- grants to those 12 states that law enforcement officials advised us were most in need -- on March 30. The total number of plans approved to date is 49, with three more at the Justice Department for review and two undergoing staffing at the Defense Department. To date, the Secretary of Defense has approved a total of more than $32 million for the states to implement National Guard activities in support of state drug law enforcement operations under this program.

Missions typical of those supported under this program include the following:

- aerial reconnaissance, surveillance, transportation and photography;
- cargo search at land border entry points and seaports;
- ground reconnaissance of border and isolated air strips;
- radar surveillance of borders and select air corridors;

- equipment loan and training of law enforcement officers in its operation.

This first year of enhanced National Guard activity was one of both productive effort and learning. The program was new to both the states and to the Defense Department and I think that both responded admirably. I am confident that the outstanding contributions by the National Guard Bureau and others will only be improved upon as this program continues.

With regard to our C3I communications network task, DoD was actively involved in this area long before the FY 1989 legislation. DoD established and chaired the Interagency Working Group for Drug Enforcement Communications in April 1987, in response to a Defense Resources Board initiative. This Group developed a Telecommunications Master Plan for Drug Enforcement that applied governmentwide. The Master Plan was approved by the National Drug Policy Board which tasked the Communications Interoperability Working Group of the Board's Science and Technology Committee to develop an implementation plan. The Master Plan is being used as the basis for accomplishing our congressionally mandated task of developing a communications network to support integration of the various agencies' C3I assets dedicated to drug interdiction. Our focus in this effort is on the interdiction and intelligence functional areas of the Master Plan and supports maximum interagency cooperation among the primary user agencies. Our report to the Congress reflects this close interagency cooperation and focuses on the communications support for drug interdiction and

the responsibilities for operating the communications network; provides a description of the funding approach to effect a secure interoperable interagency communications infrastructure to support drug interdiction efforts; highlights the fact that the communications network for drug interdiction is comprised of several communications subsystem and that the components of these subsystems serve a multipurpose function and are not necessarily dedicated for drug interdiction support. The report is completed and is currently under final review; the Secretary of Defense will shortly forward the report to the President for transmittal to the Congress.

Let me now present a brief status summary of our use of the $300 million appropriated to DoD for FY 1989 drug enforcement support. On May 18 we completed a full program review of requirements submitted for our counterdrug effort, and DoD's FY 1989 Program was approved. To date, the Defense Comptroller has transferred $30.239 million to the Military Departments to support state-level enhanced National Guard operations. Of the remaining funds in the appropriation, $10 million will go to the states for additional enhanced National Guard support. $60 million will be used for acquisition of communications equipment for loan to drug law enforcement agencies -- to support the integration of command, control, communications and technical assets dedicated to drug interdiction into an effective communications network. This effort builds on implementation of the approved Telecommunications Master Plan for Drug Enforcement and supports civilian law enforcement agencies. $100 million will be

used for sensor support. This includes the acquisition of sea and land based aerostats, deployable radar support, aerostat relocation, and a small sea-based deployable aerostat. The FY 1989 "Sensor Mix" investment includes: 1 land-based aerostat at Matagorda, Texas; 1 land-based aerostat at Horshoe Beach, Florida; 1 land-based aerostat spare (bag, radar, tether); 1 land-based aerostat, location to be determined; 1 semisubmersible with large aerostat; relocation of the land-based aerostat at Cape Canaveral, Florida to Venice, Florida; and a small sea-based aerostat surveillance system. $39.0 million will be used to enhance and ensure fundamental military communications connectivity to initiate networks between sensors, intelligence sources, fusion centers (target and tailored intelligence support), and law enforcement command nodes in order to perform DoD's detection and monitoring role. $17.0 million will be used for costs associated with start-up for the fusion centers. This includes administrative costs, temporary duty and travel costs for personnel, facility security and other basic costs. $19.0 million will upgrade baseline ADP capability at fusion centers to process data and support analysts. $18.0 million will fund increased operational flying hours and steaming days in support of the detection and monitoring mission. $7.0 million will be used for various miscellaneous costs associated with DoD activities providing nonprogrammed or budgeted support to the detection and monitoring mission. These include mapping and directing special intelligence support, etc. We plan to accomplish transfer of the operation and maintenance monies in June. Documents

to support the required reprogramming of necessary funds to procurement should start reaching the Congressional Defense Committees in late June, with final submissions arriving by early July.

In sum, Mr. Chairman, the Department of Defense continues to be an active player in this Nation's battle against drugs. On both the supply and the demand sides of the issue, our efforts have borne fruit and will not be relaxed.

RESPONSES TO WRITTEN QUESTIONS

Question. Can land-based aerostats accurately detect marine vessels and aircraft at the same time?

General OLMSTEAD. The GE aerostats will have both a marine and air detection capability. The marine and air detection capabilities operate independently and simultaneously without mutual degradation on two parallel processing channels.

Question. Can land-based aerostats accurately detect marine vessels and aircraft at the same time?

General KELLY. The two Air Force aerostats have some capability of detecting some marine targets while performing their primary mission of detecting aircraft. The Westinghouse systems as fielded do not have a marine detection capability. The General Electric aerostat systems should have a capability similar to the two Air Force systems.

Question. What is your response to the GAO report finding that even with the fully operational picket line of aerostats envisioned for the southern U.S. border, large gaps in radar coverage will still exist?

General OLMSTEAD. We disagree that after the southwest aerostats are all operational that there will continue to be large gaps in radar coverage along that border. While some small gaps will exist, it is the intention of the law enforcement agencies to fill those gaps will mobile radar platforms. For instance, the Customs P–3 AEW program was created specifically for that purpose. Further down the road, the FAA will bring its FAAR/ARSR–4 system on-line which will further enhance detection capabilities along the border.

Question. What is your response to the GAO report finding that even with the fully operational picket line of aerostats envisioned for the southern U.S. border, large gaps in radar coverage will still exist?

General KELLY. Analysis by the 84th Radar Evaluation Squadron of the coverage showns no significant gap in radar coverage once the entire line of aerostats is operational. Though, there is some terrain screening along the southwestern U.S. border, it is still necessary for the drug smuggler to fly through aerostat radar coverage to enter the radar "hole". There are no aerostat radar corridors where the drug smuggler can fly completely undetected. Without the aerostat radar system, radar coverage by the ground-based systems has major low-level gap.

Question. Isn't it true that the aerostat radar picket line proposed for the S.W. border does not provide continuous coverage due to not only weather and maintenance problems but also the terrain?

General OLMSTEAD. As you know, the U.S. Air Force conducted the survey along the border and made recommendations as to where the aerostats should be placed. Those recommendations were based on several factors, one of which was placing them at locations where the terrain would have the least impact. It is for that very reason that the three western-most aerostats have the greatest planned overlap.

Question. Isn't it true that the aerostat radar picket line proposed for the S.W. border does not provide continuous coverage due to not only weather and maintenance problems but also the terrain?

General KELLY. When all systems are operational, there will be contiguous low-level coverage along the southwest U.S. border. There will not be continuous low-level coverage due primarily to weather. However, frequency and duration of weather downtime is not predictable for long-term planning by the drug smugglers. Additionally, based on intelligence information, AEW assets may be made available to provide radar coverage.

Question. Assuming that success can be realized in "sealing off" the southern U.S. border, what do you propose to do if the smugglers fly up the East and West Coast and how much will your response cost?

General OLMSTEAD. Smugglers have already began to fly up our East and West Coasts. In fact, the East Coast has a long history of smuggler flights that have terminated in Virginia, New Jersey, and New York to name a few. As has been the case in the past, we will continue to guard our flanks with mobile resources provided by both the DoD and the law enforcement agencies.

Question. Assuming that success can be realized in "sealing off" the southern U.S. border, what do you propose to do if the smugglers fly up the East and West Coast and how much will your response cost?

General KELLY. Flying up the East and West Coasts of the United States complicates the drug smuggler's profile. It causes him to use larger aircraft, flying at higher altitudes and restricts the number of airfields that can handle the larger aircraft. Aircraft flying this profile will be easier to detect or intercept at the larger airports. Using aerostats along the southern border, allows more flexible use of

AWACS on the east and west coasts of the United States when cued by intelligence sources. Cost of such a response is unknown as it depends on the number of flying hours required to meet the threat.

Question. Isn't it true that our intelligence information shows that drug pilots are well aware of the balloon's limitations and fly through the blind spots or when they're down?

General OLMSTEAD. There is little doubt that organized smuggling rings know of the balloons' parameters and that they pay individuals to surveil the aerostats and report when they are down. As previously stated, we know of no instances where smugglers have flown through blind spots in the aerostat coverage. I might add that the law enforcement agencies with air smuggling investigative authority, actively pursue those rings who employ countersurveillance techniques.

Question. Isn't it true that our intelligence information shows that drug pilots are well aware of the balloon's limitations and fly through the blind spots or when they're down?

General KELLY. We believe that drug pilots are aware of some of the limitation of the balloons. What we are finding, however, is that the drug pilots are not flying through blind spots because the radar holes are not extensive enough. What we are seeing is that drug pilots are altering their routes to circumnavigate the existing aerostat radar coverage and are off loading their cargoes outside of radar coverage to marine carriers. This indicates to us that the aerostats are deterring the drug pilots and are forcing them to some other patterns. As stated, it is difficult to predict when the aerostats will be down. However, when they are down for a period of time, surface or AEW assets may be positioned to fill the gap based on intelligence data.

Question. Does DoD's detection and monitoring mission include aircraft operating within CONUS? For example, if DoD has information that a suspect aircraft has crossed into the U.S. and landed and was seen departing for another apparent CONUS destination, would DoD monitor its progress? If not, how would such a situation be handled?

Answer. DoD will handle suspect traffic as it transits into CONUS, but will normally attempt to hand-off the suspect aircraft to law enforcement agencies for interdiction and apprehension. Should law enforcement be unable to pursue a suspect aircraft DoD will continue to track until law enforcement is able to accept suspect aircraft for tracking and interdiction. Normally traffic originating from within CONUS is handled by FBI and DEA; however, if a suspect aircraft had been tracked crossing the border and a follow-on flight was detected, DoD would attempt to continue to monitor and hand-off to the appropriate law enforcement agency.

Question. I understand that DoD is trying to develop measures of effectiveness, on the basis of which it will hopefully be able to assess its contribution to drug interdiction efforts. Can you give me a progress report on this effort? What specific accomplishments will make you feel that you are making a meaningful contribution? Do your measures of effectiveness include specific goals, targets, and/or overall objectives?

Answer. The Joint Staff is presently studying the issue of measures of effectiveness. We have completed one study which indicates that linking DoD's efforts to the traditional law enforcement measures of effectiveness of street value of drugs and amount of drugs seized will not effectively measure DoD's efforts. We do feel that DoD is making a meaningful contribution as evidenced by our assistance in the seizure of over 37 tons of marijuana and 17,000 pounds of cocaine in FY 1989.

Question. Pursuant to its new mission, has DoD made any arrangements regarding the planning, coordination, and support functions performed by the National Narcotics Border Interdiction System (NNBIS)? Law enforcement agencies in Georgia and elsewhere have asked my office about the future of NNBIS and who they should now contact for assistance?

General OLMSTEAD. The 1988 Anti-Drug Abuse Act, in establishing the Office of the Director, National Drug Control Policy (ONDCP), directed (Section 1107b, Public Law 100-690) that no funds may be expended after 30 days from the date on which the first director is confirmed by the Senate for any activities or operations of the entity otherwise known as the National Narcotics Border Interdiction System (NNBIS). As I understand it, ONDCP is taking action to disassemble NNBIS over the next few months. As you know, NNBIS coordinated among other things, DoD support to the drug law enforcement agencies. A portion of this function, specifically that concerning detection and monitoring, will be performed by the Joint Task Forces (JTFs), the four Commanders-in-Chief (CINCs) and the Joint Staff. For the other DoD support, such as loaning equipment, providing transportation, providing planning assistance or training, there are two possible solutions: (1) forward all re-

quests to ONDCP and then to DoD; and (2) require DoD to establish regional coordinating offices in central locations around the country. Since the Joint Chiefs of Staff is an operational structure, they do not deal with manpower, equipment pools or formal school training, these are Military Department functions. It is inappropriate for law enforcement agencies to deal directly with the Services. That is why we have a DoD Drug Coordinator and my office, Drug Policy and Enforcement. My office is not staffed to receive and process all law enforcement requests without regional clearing houses.

Question. Is there any significance in the selection of two Coast Guard Admirals to be commanders of the respective JTF-4 and JTF-5 interdiction facilities?

Answer. Both USCINCLANT and USCINCPAC have selected top-level Coast Guard officers who have extensive antidrug and maritime experience to head their task forces on a full-time basis. They chose Coast Guard since they are closely aligned to the DoD military organization. Although they are Coast Guard officers, the JTF Commanders report directly to DoD through their respective CINC.

Question. Up to this point, precisely how much of the $300 million FY 1989 appropriation has been actually spent?

General OLMSTEAD. To date, the OSD comptroller has transferred $30.239 million to the Military Departments to support state-level enhanced National Guard operations. Few funds have actually been obligated. Plans for spending the remainder: (1) $10 million to the states for additional enhanced National Guard support; (2) $60 million for acquisition of communications equipments to support the integration of command, control, communications and technical assets dedicated to drug interdiction into an effective communications network; (3) $100 million will be used for sensor support; (4) $39.0 million will be used to enhance and ensure fundamental military communications connectivity to initiate networks between sensors, intelligence sources, fusion centers (target and tailored intelligence support), and law enforcement command nodes in order to perform DoD's detection and monitoring mission; (5) $17.0 million to cover costs associated with start-up costs for the fusion centers; (6) $19.0 million to upgrade baseline ADP capability at fusion centers to process data and support analysts; (6) $18.0 million to increase operational flying hours and steaming days in support of detection and monitoring mission; (7) $7.0 million for various miscellaneous costs associated with DoD activities providing nonprogrammed or budgeted support to the detection and monitoring mission. On May 17, we completed a full program review of requirements submitted for DoD's counterdrug effort. Tabulation of approved projects will be completed on May 18. We plan to accomplish transfer of the operations and maintenance monies in June. Documents to support the required reprogramming of necessary funds to procurement should start reaching the Congressional Defense Committees in June.

Question. In light of GAO's report and testimony this morning, which raise serious questions regarding the capability and effectiveness of air interdiction efforts, what are your thoughts and/or plans on this subject as it relates to DoD's lead agency responsibility for detection and monitoring?

General KELLY. As the GAO report shows, "as interdiction capabilities have increased, particularly in the southeastern United States where there has been a major build up of radar surveillance equipment and coverage, it appears that airborne drug smugglers have modified their smuggling methods and routes to avoid detection and apprehension. According to a recent EPIC report, drug smugglers flying drugs destined for the United States have used such methods as switching to different airports, mixing transportation modes, air-dropping, or shifting to other smuggling methods. Thus, it appears that air interdiction efforts have disrupted drug smugglers operations." Our current detection and monitoring systems include use of fixed, land-based radar systems, airborne early warning (AEW) systems and ship-based and land-based aerostat radar systems. Because there are currently low-level gaps in radar coverage, it is true that drug smugglers are flying around current aerostat radar coverage. The DoD along with U.S. Customs Service and U.S. Coast Guard are in the process of completing the procurement and installation of aerostats that will provide radar coverage from California to the Windward passage in the Bahamas. We believe that when all the aerostat radar systems are operational that the mix of detection and monitoring systems will provide the effective and flexible deterrent to airborne drug smuggling.

Question. Will Customs and Coast Guard continue to perform own detection and monitoring activities?

General KELLY. Due to limited assets all available agency assets will be combined to conduct detection and monitoring.

Question. If they do, how do you proposed to reconcile probable competition over available detection and monitoring assets?

General KELLY. There are a couple of ways to handle the competition for assets. They are regional scheduling of assets and daily coordination between Commanders-in-Chief (CINCs) and law enforcement agencies (LEAs).

Question. In view of the Justice Department not being included in the May 25, 1989 MOU, what relationship do you expect to have with EPIC? Has DoD established formal lines of communication with EPIC and DEA intelligence personnel?

Answer. Formal lines of communications between EPIC, DEA and DoD were established long before the MOU was developed. Department of Defense policy planners, and military commanders in the field charged with the interdiction mission frequently tap the intelligence centers' resources and actively seek DEA support in interdiction efforts.

Question. The MOU states that it is necessary for the regional/local representatives of Customs and Coast Guard "to conduct continual dialogue," in order to effect an interactive planning and execution process. How will this occur and what specific plans or ideas do they have on DoD's role in this regard?

General KELLY. Liaison Officers have been assigned to all key nodes for interdiction to effect cooperative understanding and it's an extremely successful program to date.

Question. It is my understanding that at the last minute, the Justice Department pulled out of the MOU. Can you shed some light on why it did so and what the potential significance of this might be?

General OLMSTEAD. DoD understanding of the Justice position is that since their subordinate agencies do not deal directly with detection and monitoring activities, they had no need to be part of the MOU. Our feeling is that DEA's intelligence facility (EPIC) is both a provider of information that we may be able to use to frame detection and monitoring activities and is also a potential user of information developed by detection and monitoring activities. Additionally, INS/BP is a potential user of information developed by detection and monitoring activities. While we certainly will not exclude these agencies simply because there is no MOU, it would be preferable if we had Washington agreement on this information exchange so that there would be no misunderstanding at the operational level.

Question. Could you explain the status of your efforts regarding the Defense Authorization Act requirement on integrating existing C3I capability into an effective drug interdiction communications network. Does this report, for example, deal with current problems that make it difficult, and in some cases impossible, for Federal agencies to communicate directly in a secure manner while involved in interdiction operations? How long will it take to resolve such problems?

General OLMSTEAD. We have prepared a report on integrating C3I capability. That report was due 1 May. It is currently awaiting Presidential signature and will be forwarded subsequently to the Congress. The report is action oriented and deals directly with interoperability and security problems. The report focuses on the communications support for drug interdiction and the responsibilities for operating the communications network; provides a description of the funding approach to effect a secure interoperable interagency communications infrastructure to support drug interdiction efforts; highlights the fact that the communications network for drug interdiction is comprised of several communications subsystems and that the components of these subsystems serve a multipurpose function and are not necessarily dedicated for drug interdiction support. I would emphasize that this is a complex issue involving many players and numerous operating units. Security requirements significantly complicate our ability to quickly achieve interoperability. A systematic approach followed by all players is essential. Agencies are moving to implement the National Telecommunications Master Plan for Drug Enforcement which was approved by the NDPB last summer. DoD is assisting in preparing a detailed implementation plan for the Master Plan. The Implementation Plan will be ready later this summer. Steady progress is being made to improve both interoperability and security. Agencies are cooperating and participation in the Communications Interoperability Working Group is strong. I expect very significant progress can be made in a two-year time frame, solving some of the most critical problems and setting the stage for improvements which will take over the next decade to implement.

Question. Pursuant to the Defense Authorization Act requirement that the President assign responsibility for the operation of the C3I system described in your pending draft report to the Congress, what recommendation to do you intend to make? Do you, for example, see the need for the designation of a single agency to be in charge of the operation of this system? If so, which agency would be most appropriate for this responsibility?

Answer. The initial focus for the operation of C3I systems has been to update, modify, connect, protect, secure and expand existing subsystems to ensure interoper-

ability and security among all agencies, and those efforts will continue for the foreseeable future under the direction and oversight of the Communications Interoperability Working Group (CIWG).

Further DoD comment would be premature and inappropriate pending review of the draft report by the Director, Office of National Drug Control Policy and the President.

Question. In formulating your approach to the effort to enhance the National Guard's role, did you take into account GAO's evaluation of the 1987 exercise, Operation Autumn Harvest, which involved Guard units from Arizona, Missouri, Utah, and Wisconsin, along with Customs, in a joint month-long major interdiction effort along the Arizona-Mexico border? One of GAO's critical findings was that of 93 suspect aircraft targets identified, attempts were made to visually identify and intercept 33, but only six of the latter were apprehended and none of them were carrying drugs.

What criteria, for example, did you use in approving the State plans submitted?

What kinds of results can we reasonable hope to see from the various National Guard plans approved for 1989?

Do you expect that these results will increase as States with little or no prior experience negotiate the "learning curve"?

What kinds of problems do you foresee over the long run in these National Guard efforts?

Answer. The GAO evaluation of Operation Autumn Harvest, along with after action reports from other drug enforcement support operations tested in 1987 and 1988, were used in determining the kinds of support missions best suited to National Guard capabilities. The Autumn Harvest operation did not prove to be a productive mission and, as a result, was not included in plans approved for FY 89.

The criteria used in approving state plans was developed in coordination with the Drug Enforcement Agency and the U.S. Customs Service and was based on the priorities of these agencies. The most serious threat in 1989 was the entry of cocaine, marijuana, and other illicit drugs into the United States through the southern border states by land, sea, and air. Therefore, plans from states having major seaports and airports, and states on the southern border which proposed support to law enforcement agencies for the kinds of interdiction missions mentioned above, were given priority consideration and funding.

Results we hope to achieve from National Guard support include increased capability for law enforcement agencies in interdiction and eradication by providing: aerial reconnaissance, photographic support, and transportation of law enforcement personnel, equipment, and illicit cargo; ground transportation of law enforcement personnel, equipment, and illicit cargo; container, cargo search and inspection; and ground reconnaissance of borders, isolated airstrips, and suspected drug operations. Several of the plans will result in freeing up police officers for increased drug enforcement operations. National Guard support enabled the U.S. Customs Service to increase vehicle and cargo search at Texas land border entry points from 5 percent to 15 percent. The U.S. Border Patrol, using National Guard reconnaissance specialists, has been able to identify illegal land border crossing points, air corridors used for illegal transit of drugs, and methods used by smugglers in remote areas. National Guard cargo search operations at California seaports enabled the U.S. Customs Service to search more than 50 percent of the targeted cargo during a 30-day period and nearly 12,000 vehicles at land border entry entry points. As additional National Guard drug support operations are completed, the increased law enforcement capability provided by National Guard support will become even better defined.

Timely and more effective assistance will increase as the result of states gaining experience in drug enforcement support operations. The coastal and southern border states have considerable experience in drug enforcement support; however, the interior states are relatively new to this effort. The development of plans for 1989 required that all states develop a close working relationship with local, state, and federal law enforcement agencies. An understanding of resources and capabilities, as well as professional rapport and trust in abilities, will grow as this relationship matures. This cooperation has been evident in the states that have experience in providing drug enforcement support and is reflected in the results in these states.

One concern about continued, long term National Guard support efforts is the possible impact on the mobilization readiness status of National Guard units. The 1989 Defense Authorization Act requires that National Guard support be in addition to normal annual training and that provision of such support should not adversely affect military preparedness. The level of support included in the state plans approved by the Secretary of Defense for 1989 complies with that guidance; however, increased levels of support will detract from time available for individual and war-

time mission training. A second concern is the impact on families and employer support for the Guard. As more drug enforcement support requirements are identified, National Guard personnel will be asked to volunteer more time. That time must come from one of three activities: employer time, family time, or National Guard mobilization readiness time. The impact on mobilization readiness is addressed above, but the impact on families and employers is also significant. Care must be taken to ensure that the benefits of National Guard drug enforcement support are not outweighted by the cost to families, employers, and mobilization readiness.

Question. What kinds of results can we reasonably hope to see from the various National Guard plans approved for 1989?

General OLMSTEAD. Increased capability of law enforcement agencies in: aerial reconnaissance, photographic support, and transportation of law enforcement personnel, equipment, and illicit cargo; ground transportation of law enforcement personnel, equipment, and illicit cargo; container and cargo search and inspection; and ground reconnaissance of borders, isolated airstrips and suspected drug operations. Several of the plans will result in freeing up police officers for increased drug enforcement operations. National Guard support enabled the U.S. Customs Service to increase vehicle and cargo search at Texas land border entry points from 5 percent to 15 percent. The U.S. Border Patrol, using National Guard reconnaissance specialists has been able to identify illegal land border crossing points, air corridors used for illegal transit of drugs, and methods used by smugglers in remote areas. National Guard cargo search operations at California seaports enabled U.S. Customs Service to search more than 50 percent of the targeted cargo during a 30-day period, and nearly 12,000 vehicles at land border entry points. As additional National Guard drug support operations are completed, the increased law enforcement capability provided by National Guard support will become even better defined.

Question. Do you expect that these results will increase as States with little or no prior experience negotiate the "learning curve?"

General OLMSTEAD. Certainly. The coastal and southern border states have considerable experience in drug enforcement support, however, the interior states are relatively new to this effort. The development of plans for 1989 required that all states develop a close working relationship with local, state, and Federal law enforcement agencies. An understanding of resources and capabilities as well as professional rapport and trust in abilities will grow as this relationship matures. This cooperation has been evident in the states that have experience in providing drug enforcement support and is reflected in the results in those states.

Question. What kinds of problems do you foresee over the long run in these National Guard efforts?

General OLMSTEAD. One concern is the possible impact on the mobilization readiness status of the National Guard units. The 1989 Defense Authorization Act requires that National Guard support be in addition to normal annual training and that provision of such support should not adversely affect preparedness. The level of support included in the state plans approved by the Secretary of Defense for 1989 complies with that guidance; however, increased levels of support will detract from time available for individual and wartime mission training. A second concern is the impact on families and employer support for the Guard. As more drug enforcement support requirements are identified, National Guard personnel will be asked to volunteer more time. That time must come from one of three activities: employer time, family time, or National Guard mobilization readiness time. The impact on mobilization readiness is addressed above, but the impact on families and employers is also significant. Care must be taken to ensure that the benefits of National Guard drug enforcement support are not outweighed by the cost of families, employers, and mobilization readiness.

Question. What is your view of recent reports suggesting that U.S. military personnel participate directly in anti-narcotics efforts in the Andean Region?

General OLMSTEAD. I think that there are several factors to consider: (a) The foreign countries concerned are sovereign nations in their own right. It would be inappropriate for us to operate in foreign countries in defiance of the local government's will. In 1986 we provided helicopter transportation for Bolivian drug police but our personnel did not participate in the traditional law enforcement roles of search, seizure, or arrest; (b) We have stated in the past that under certain circumstances, military forces could conduct operations in foreign countries. The circumstances are: a public request from the host country; State Department approval; a clear mission statement; sufficient resources and rules of engagement to ensure security for our personnel; congressional support; public support in the understanding that as our operations become more and more successful, the level of violence, and therefore casualties, would increase; and a clear understanding that our mission would be to

destroy laboratories, equipment, chemicals and drugs on the spot and not to apprehend suspects or seize material; (c) The Subcommittee must understand that in some instances local insurgent groups have joined in a marriage of convenience with the traffickers; and that, if directed to conduct field operations, we could easily come into hostile contact with these insurgent groups.

Question. What is the military currently doing to support those efforts:

Answer. DoD is playing an active support role in stopping drugs at the source in the Andean Region. DoD has worked closely with the Department of State's Bureau of International Narcotics Matters (INM) which has the lead for all counternarcotics efforts abroad. When requested by INM, a host country, or country team DoD provides training to host country counternarcotics forces either in the United States or in the host country. As recently as April DoD approved helicopter pilot training at Fort Rucker, Alabama for 10 Bolivian Air Force pilots. DoD also provides training in CONUS to various Andean military or counternarcotic forces in aircraft and naval craft maintenance, intelligence and operations planning, and military instruction skills. In-country training is conducted by mobile training teams (MTTs) generally consisting of Special Forces A-teams, who provide training to host nation forces in their own language and in their training areas. This year DoD has employed or is anticipating deploying MTTs to several drug source and transit countries to conduct training in riverine operations, airmobile operations and basic leadership skills.

DoD also supports counternarcotics operations by loaning equipment in accordance with applicable laws, to various Federal agencies which have active counternarcotic missions in drug source countries. This support has included transferring title of 26 UH-1 helicopters to the Department of State (DoS) in 1988; loaning gas masks, night vision devices, machine guns, communications equipment, and tents to DoS and the Drug Enforcement Administration (DEA); and providing Spanish language training at the Defense Language Institute to DEA agents who are being assigned to Andean countries. DoD has also provided technical expertise and assistance to DoS and DEA in establishing secure base camp facilities for eradication and interdiction operations.

Question. What more can the U.S. military do in support of our anti-narcotics efforts in the Andean Region?

General OLMSTEAD. The U.S. military now provides equipment to Department of State and Drug Enforcement Administration (DEA) for use in foreign countries either on loan or as transfer of excess military equipment. For example, we recently transferred 26 excess UH-1H helicopters to State INM. We now provide Spanish language and operational training for DEA agents prior to their deployment overseas. We provide formal school training, such as pilot and maintenance training, for members of paramilitary police forces. We have had Mobile Training Teams (MTTs) deploy to foreign countries to train local paramilitary and military forces in counterdrug operations. We provide intelligence to State and DEA for use in planning operations. We provide planning and logistical support to both INM and DEA. We have full-time military personnel on duty with both INM and DEA to assist in this effort. We must, however, take care that our military support to the police force does not foster an unhealthy internal rivalry between local military and police forces which may be detrimental to our overall efforts. We can and should continue the efforts listed above. We can increase our training if the host country agrees. Another faction is increasing U.S. Security Assistance to the military organizations of those countries demonstrating a serious desire to conduct productive counterdrug operations.

Question. Have they discussed the possibility of supporting proposed interdiction operations being considered for some of the Andean countries through their newly assigned detection and monitoring mission. For example, are there any reasons why DoD couldn't provide sensors, AWACs, and/or other such support out of its current anti-narcotics funding?

General OLMSTEAD. Current legislation directs DoD to serve as the lead agency for detection and monitoring of aerial and maritime transit of illegal drugs into the United States. It is our opinion that this language does not include movement of drugs between source and transit countries. Additionally, sensors require an extensive logistics and communications infrastructure and trained personnel to operate. Thus providing sophisticated sensors to foreign countries would be a long-term prospect. We have reviewed the use of AWACs for detection and monitoring. Here we run into sovereignty issues. Also, if we provide real time data to local military forces, which lack the will to use the data for seizure and apprehension or simply for aerial engagement, we have wasted our resources.

Question. Would you support the idea of creating special exceptions to Economy Act provisions that require DoD to be fully reimbursed for any assistance given in behalf of U.S. anti-narcotics operations in the Andean countries?

General OLMSTEAD. No. DoD's budget has been reduced by the recent Administration/Congressional budget agreement to a minimally acceptable level. For DoD to assume the burden of funding other agency operations, however important, would represent an unacceptable degradation in our readiness to perform (and primary) mission of defending this nation against armed aggression by other nations. We do, however, support adequate funding for the drug law enforcement agencies so they can conduct an enhanced level of operations.

Question. Are you familiar with the Mobile Inshore Undersea Warfare (MIUW) mission within the Naval Reserve?

Answer. Yes. The Mobile Undersea Warfare (MIUW) mission is surveillance of Amphibious Objective Areas (AOAs), harbors and approaches, roadsteads, straits, anchorages, and other areas of interest as assigned. In short, MIUW units are charged with "shallow water" Anti-Submarine Warfare (ASW).

Question. How many of the Naval Reserve MIUW units are located near coastal areas which are potentially attractive to drug smugglers?

Answer. 20 of 26 existing MIUW units are in or very near coastal areas, with nine located along the Southeast and Southwest borders from Jacksonville, Florida to Long Beach, California.

Question. It is my understanding that these units have been used previously for drug interdiction because of their flexible mobility; can you comment on the extent these units are now being used?

Answer. Employment of MIUWs in an interdiction role is limited due to their reserve status. The units and their equipment are indeed highly mobile, but manned totally by Selective Reservists available for only very short periods of active duty service. Currently, unit employment must be tasked months in advance, and short notice deployments are not possible without mobilization.

Question. Since there appears to be a close parallel between the MIUW mission training and drug interdiction, would it not make sense to make maximum use of these units to support the drug interdiction mission?

Answer. OSD planners are reviewing the feasibility of tasking units with interdiction support during scheduled active duty for training periods. Representatives from OSD, Drug Enforcement Support Directorate will conduct a field review of a unit's capabilities mid September.

Question. How could the MIUW capability be improved for both drug interdiction and coastal defense?

Answer. Precise determination will be made based on the September field study and recommendations provided by the Navy Warfare sponsor (OP 372)

Question. In your estimate, how much would it cost to equip these units for drug interdiction purposes?

Answer. A precise determination will be made based on the September field study and recommendations provided by the Navy Warfare Sponsor (OP-372).

Question. Given this estimate, does the DoD currently have the necessary funds to equip these units for drug interdiction purposes?

Answer. FY 1989 counterdrug funds have already been committed for other drug-related purposes. Funding will be considered after the field review has been conducted, and subject to Service and congressional review.

COCAINE USE INDICATORS, 1985-1988

	1985**	1986**	1987**	1988***
Emergency Room Mentions*	10,397	19,090	32,578	42,491
Medical Examiner Mentions****	747	1,269	1,805	1,290

* Data from DAWN panel of 532 consistently reporting facilities.

** Data for 1985-1987 do not agree with data in 1987 NNICC Report because the emergency room data are based on a different consistent panel of hospitals (5-year panel, October 1983-September 1988.)

*** Emergency room mentions are projected from 9-month data. Medical examiner mentions are for January-September 1988.

**** Excludes New York metropolitan area because of incomplete reporting.

Source: National Narcotics Intelligence Consumers Committee (NNICC)

COCAINE TRAFFICKING INDICATORS, 1985-1988

	1985	1986	1987	1988
Retail Purity (gm.) (%)	50-60	55-65	50+	70
Prices*				
Wholesale (kg.) (000)	$30-$50	$22-$45	$12-$40	$11-$34
Retail (gm.)	$100	$80-$120	$80-$120	$50-$120

	FY 1985	FY 1986	FY 1987	FY 1988
Laboratories Seized (U.S.)	29	23	17	9

★ End-of-year.

Source: National Narcotics Intelligence Consumers Committee (NNICC)

JUNE 9, 1989

COMMITTEE ON GOVERNMENTAL AFFAIRS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

STATEMENT OF SENATOR DAN COATS

MR. CHAIRMAN, I AM PLEASED TO HAVE THIS OPPORTUNITY TO SAY A FEW WORDS ON THE ROLE OF THE DEPARTMENT OF DEFENSE IN AMERICA'S WAR ON DRUGS.

WHEN THE CONGRESS ENACTED THE DRUG ABUSE ACT OF 1988, IT PROVIDED FOR A COMPREHENSIVE, JOINT PROGRAM BETWEEN CIVIL LAW ENFORCEMENT AGENCIES AND THE MILITARY FOR INTERDICTION OF ILLEGAL DRUGS ENTERING THE UNITED STATES. IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 1989, THE DEFENSE DEPARTMENT WAS MADE THE SINGLE LEAD AGENCY FOR THE DETECTION AND MONITORING OF AERIAL AND MARITIME TRANSIT OF DRUGS INTO THE UNITED STATES. DOD WAS ASSIGNED THE RESPONSIBILITY OF COORDINATING THE SURVEILLANCE, DETECTION AND TRACKING OF NARCOTRICS TRAFFICKERS, AND $300 MILLION WAS APPROPRIATED FOR THE MILITARY'S ANTI-DRUG EFFORTS.

IN FEBRUARY OF THIS YEAR, DOD ISSUED ITS FIRST REPORT TO CONGRESS ON THE ACTIONS TAKEN TO CARRY OUT ITS DRUG INTERDICTION MISSION. IT TURNS OUT THAT THE MILITARY HAS SPENT ONLY $51 MILLION, MOST

OF WHICH IS FOR FUNDING THE NASTIONAL GUARD, AND HAS DEVELOPED NO OVERALL ACTION PLAN, WITH DETAILED INFORMATION ON AIRCRAFT, COMMUNICATIONS, ACTIVE DUTY AND NATIONAL GUARD FORCES, INTELLIGENCE-GATHERING SYSTEMS AND OTHER RESOURCES NECESSARY FOR SUCH AN IMPORTANT UNDERTAKING.

AS A CONSEQUENCE, SENATOR PETE WILSON INTRODUCED LEGISLATION, S. 1040, WHICH I AM PLEASED TO COSPONSOR, TO ESTABLISH AN ANTI-DRUG TASK FORCE WITHIN THE DEFENSE DEPARTMENT TO COORDINATE AND MORE EFFECTIVELY DIRECT THE MILITARY INTERIDCTION EFFORT. THE TASK FORCE WOULD BE COMPOSED OF THE FOUR MILITARY SERVICES, PLUS THE COAST GUARD AND CUSTOMS SERVICE, AND DIRECTED BY A THREE-STAR MILITARY OFFICER. ITS MISSION WOULD BE TO DIRECT PERSONNEL, EQUIPMENT, AND RESOURCES IN SUPPORT OF FEDERAL LAW ENFORCEMENT AGENCIES ON A FULL-TIME BASIS IN THEIR EFFORT TO INTERDICT THE ENTRY OF ILLEGAL DRUGS INTO THE UNITED STATES BY LAND, SEA AMD AIR. IN DEVELOPING A PLAN FOR CARRYING OUT ITS MISSION, THE TASK FORCE WOULD CONSULT AND COOPERATE WITH THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY. THIS LEGISLATION IS THUS DESIGNED TO MOTIVATE THE DEFENSE DEPARTMENT TO DEVELOP A WINNING STRATEGY---AS IT HAS DONE IN THE CUBAN AND PERSIAN GULF CRISES---FOR UTILIZATION OF MANPOWER AND MATERIAL TO STOP THE INTERDICTION OF DRUGS FROM OUTSIDE OUR BORDERS. NO OTHER ENTITY COULD MOBILIZE SUCH AN ARRAY OF MEN AND RESOURCES AGAINST SO POWERFUL AN ENEMY.

I SUPPORT THE CREATION OF SUCH A TASK FORCE WITHIN THE DEPARTMENT OF DEFENSE, NOT OUT OF PIQUE OR CRITICISM OF THE EFFORTS OR

DEDICATION OF THE MILITARY TO CONTRIBUTE TO OUR NATIONAL WAR ON DRUGS, BUT BECAUSE IT SHOWS THE THAT WE BELIEVE THAT DRUGS ARE A GREATER THREAT TO OUR NATIONAL SECURITY THAN EXTERNAL THREATS, WE HAVE A NATIONAL COMMITMENT AND WILL DEVOTE THE NATIONAL RESOURCES NECESSARY TO COPMBAT AND DEFEAT THIS ENEMY, AND WE WILL MOBILIZE OUR MILITARY FORCES WHERE THEY WILL BE NEEDED MOST TO WIN THIS WAR. AS SENATOR WILSON OBSERVED, IN THE PAST, WHEN FACED WITH AN EXTERNAL THREAT OUTSIDE THE BOUNDS OF OUR NATIONAL DEFENSE COMMAND STRUCTURE, THE DOD HAS CREATED A SPECIAL TASK FORCE TO DEAL WITH THE CRISIS.

WE MUST SUCCEED IN THIS MISSION TO STOP THE FLOW OF ILLEGAL DRUGS INTO THIS COUNTRY, FOR THE ENEMY IS AT THE GATES.

THANK YOU.

100TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
100-989

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1989

CONFERENCE REPORT

TO ACCOMPANY

H.R. 4481

SEPTEMBER 28, 1988.—Ordered to be printed

(4) The failure of the United States and Japan to agree on the appropriate level of the contribution by Japan to maintaining the security of the leading industrialized democracies could weaken the long-term vitality, effectiveness, and cohesion of the alliance between the United States and Japan.

(b) ANNUAL REPORT.—The Secretary of Defense shall include with the annual report submitted pursuant to section 1003 of Public Law 98-525 (22 U.S.C. 1928 note) a report on the Official Development Assistance program of the Government of Japan. Such report shall be prepared each year in coordination with the Secretary of State and the Administrator of the Agency for International Development and shall include a description of the amount and nature of spending under such program by recipient, including distinguishing between grant aid, loans, and credits.

(c) POLICY ON DISCUSSIONS WITH JAPAN.—It is the sense of Congress that in the discussions with Japan referred to in section 1008 for the purpose of reaching a more equitable distribution of the burden of financial support for the security of the leading industrialized democracies, the objective of such discussions should include the establishment of a schedule for increases in spending under Japan's Official Development Assistance program and its defense programs so that, by 1992, the level of spending on those programs (stated as a percentage of gross national product) will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization on official development assistance and defense programs (stated as a percentage of their respective gross national products).

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the progress of the discussions described in subsection (c) with respect to Japan.

(e) FURTHER CONGRESSIONAL ACTION.—It is the sense of Congress that if, in the judgment of Congress, the report of the President under subsection (d) does not reflect substantial progress toward a more equitable distribution of the burden of maintaining the security of the leading industrialized democracies, Congress should review the extent of the distribution of the mutual security burden between the United States and Japan and should consider whether additional legislation is appropriate.

TITLE XI—DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. ANNUAL GUIDELINES TO THE MILITARY DEPARTMENTS

Section 113 of title 10, United States Code, is amended by adding to the end the following new subsection:

"(1) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the Secretaries of the military departments and to the commanders of the combatant commands written guidelines to direct the effective detection and monitoring of all potential aerial and maritime threats to the national security of the United States. Those guidelines shall include guidance on the specific force levels and specific

supporting resources to be made available for the period of time for which the guidelines are to be in effect.".

SEC. 1102. LEAD AGENCY FOR DETECTION

(a) DEPARTMENT OF DEFENSE TO SERVE AS LEAD AGENCY.—The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(b) PRESIDENTIAL DETERMINATION.—Not later than 15 days after the date of the enactment of this Act, the President may designate an agency other than the Department of Defense as the single lead agency for the purpose stated in subsection (a). Before making such a designation, the President shall notify the Committees on Armed Services of the Senate and House of Representatives of the proposed designation and shall submit to those committees a detailed report setting forth the reasons for such designation.

SEC. 1103. COMMUNICATIONS NETWORK

(a) INTEGRATION OF C3I ASSETS.—(1) The President shall direct that command, control, communications, and technical intelligence assets of the United States that are dedicated to the interdiction of illegal drugs be integrated by the Secretary of Defense into an effective communications network.

(2) Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the plan of the President for the integration of assets by the Secretary of Defense under paragraph (1).

(b) PLAN FOR RESPONSIBILITY FOR OPERATING C3I NETWORK.—Not later than 120 days after submission of the report required by subsection (a)(2), the President shall develop a plan for the assignment of responsibility for operating the communications network described in subsection (a)(1) and shall submit to Congress a report on such plan. The plan shall ensure that assignment of the responsibility for operating the communications network referred to in subsection (a)(1) is made not later than 60 days after the date on which the report required by this subsection is submitted to Congress.

SEC. 1104. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE DEPARTMENT OF DEFENSE

(a) REVISION OF SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES.—Chapter 18 of title 10, United States Code, is amended to read as follows:

"CHAPTER 8—MILITARYSUPPORTFORCIVILIAN LAW ENFORCEMENT AGENCIES

"Sec.
"371. Use of information collected during military operations.
"372. Use of military equipment and facilities.
"373. Training and advising civilian law enforcement officials.
"374. Maintenance and operation of equipment.
"375. Restriction on direct participation by military personnel.
"376. Support not to affect adversely military preparedness.
"377. Reimbursement.
"378. Nonpreemption of other law.
"379. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes.

"380. Enhancement of cooperation with civilian law enforcement officials.

"§ 371. Use of information collected during military operations

"(a) The Secretary of Defense may, in accordance with other applicable law, provide to Federal, State, or local civilian law enforcement officials any information collected during the normal course of military training or operations that may be relevant to a violation of any Federal or State law within the jurisdiction of such officials.

"(b) The needs of civilian law enforcement officials for information shall, to the maximum extent practicable, be taken into account in the planning and execution of military training or operations.

"(c) The Secretary of Defense shall ensure, to the extent consistent with national security, that intelligence information held by the Department of Defense and relevant to drug interdiction or other civilian law enforcement matters is provided promptly to appropriate civilian law enforcement officials.

"§ 372. Use of military equipment and facilities

"The Secretary of Defense may, in accordance with other applicable law, make available any equipment (including associated supplies or spare parts), base facility, or research facility of the Department of Defense to any Federal, State, or local civilian law enforcement official for law enforcement purposes.

"§ 373. Training and advising civilian law enforcement officials

"The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available—

"(1) to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment, including equipment made available under section 372 of this title; and

"(2) to provide such law enforcement officials with expert advice relevant to the purposes of this chapter.

"§ 374. Maintenance and operation of equipment

"(a) The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available for the maintenance of equipment for Federal, State, and local civilian law enforcement officials, including equipment made available under section 372 of this title.

"(b)(1) Subject to paragraph (2) and in accordance with other applicable law, the Secretary of Defense may, upon request from the head of a Federal law enforcement agency, make Department of Defense personnel available to operate equipment (including equipment made available under section 372 of this title) with respect to—

"(A) a criminal violation of a provision of law specified in paragraph (4)(A); or

"(B) assistance that such agency is authorized to furnish to a State, local, or foreign government which is involved in the enforcement of similar laws.

"(2) Department of Defense personnel made available to a civilian law enforcement agency under this subsection may operate equipment for the following purposes:

"(A) Detection, monitoring, and communication of the movement of air and sea traffic.

"(B) Aerial reconnaissance.

"(C) Interception of vessels or aircraft detected outside the land area of the United States for the purposes of communicating with such vessels and aircraft to direct such vessels and aircraft to go to a location designated by appropriate civilian officials.

"(D) Operation of equipment to facilitate communications in connection with law enforcement programs specified in paragraph (4)(A).

"(E) Subject to joint approval by the Secretary of Defense, the Attorney General, and the Secretary of State, in connection with a law enforcement operation outside the land area of the United States—

"(i) the transportation of civilian law enforcement personnel; and

"(ii) the operation of a base of operations for civilian law enforcement personnel.

"(3) Department of Defense personnel made available to operate equipment for the purpose stated in paragraph (2)(C) may continue to operate such equipment into the land area of the United States in cases involving the pursuit of vessels or aircraft where the detection began outside such land area.

"(4) In this subsection:

"(A) The term 'Federal law enforcement agency' means an agency with jurisdiction to enforce any of the following:

"(i) The Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.).

"(ii) Any of sections 274 through 278 of the Immigration and Nationality Act (8 U.S.C. 1324–1328).

"(iii) A law relating to the arrival or departure of merchandise (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) into or out of the customs territory of the United States (as defined in general headnote 2 of the Tariff Schedules of the United States) or any other territory or possession of the United States.

"(iv) The Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

"(B) The term 'land area of the United States' includes the land area of any territory, commonwealth, or possession of the United States.

"(c) The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available to any Federal, State, or local civilian law enforcement agency to operate equipment for purposes other than described in paragraph (2) only to the extent that such support does not involve direct participation by such personnel in a civilian law enforcement operation unless such direct participation is otherwise authorized by law.

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that the provision of any support (including

the provision of any equipment or facility or the assignment or detail of any personnel) to any civilian law enforcement official under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

"§ 376. Support not to affect adversely military preparedness

"Support (including the provision of any equipment or facility or the assignment or detail of any personnel) may not be provided to any civilian law enforcement official under this chapter if the provision of such support will adversely affect the military preparedness of the United States. The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that the provision of any such support does not adversely affect the military preparedness of the United States.

"§ 377. Reimbursement

"(a) To the extent otherwise required by section 1535 of title 31 (popularly known as the 'Economy Act') or other applicable law, the Secretary of Defense shall require a civilian law enforcement agency to which support is provided under this chapter to reimburse the Department of Defense for that support.

"(b) An agency to which support is provided under this chapter is not required to reimburse the Department of Defense for such support if such support—

"(1) is provided in the normal course of military training or operations; or

"(2) results in a benefit to the element of the Department of Defense providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.

"§ 378. Nonpreemption of other law

"Nothing in this chapter shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law before December 1, 1981.

"§ 379. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes

"(a) The Secretary of Defense and the Secretary of Transportation shall provide that there be assigned on board every appropriate surface naval vessel at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have powers of the Coast Guard under title 14, including the power to make arrests and to carry out searches and seizures.

"(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

"(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

"(2) as are otherwise within the jurisdiction of the Coast Guard.

"(c) No fewer than 500 active duty personnel of the Coast Guard shall be assigned each fiscal year to duty under this section. However, if at any time the Secretary of Transportation, after consultation with the Secretary of Defense, determines that there are insufficient naval vessels available for purposes of this section, such personnel may be assigned other duty involving enforcement of laws listed in section 374(b)(4)(A) of this title.

"(d) In this section, the term 'drug-interdiction area' means an area outside the land area of the United States (as defined in section 374(b)(4)(B) of this title) in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.

"§ 380. Enhancement of cooperation with civilian law enforcement officials

"(a) The Secretary of Defense, in cooperation with the Attorney General, shall conduct an annual briefing of law enforcement personnel of each State (including law enforcement personnel of the political subdivisions of each State) regarding information, training, technical support, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.

"(b) Each briefing conducted under subsection (a) shall include the following:

"(1) An explanation of the procedures for civilian law enforcement officials—

"(A) to obtain information, equipment, training, expert advice, and other personnel support under this chapter; and

"(B) to obtain surplus military equipment.

"(2) A description of the types of information, equipment and facilities, and training and advice available to civilian law enforcement officials from the Department of Defense.

"(3) A current, comprehensive list of military equipment which is suitable for law enforcement officials from the Department of Defense or available as surplus property from the Administrator of General Services.

"(c) The Attorney General and the Administrator of General Services shall—

"(1) establish or designate an appropriate office or offices to maintain the list described in subsection (b)(3) and to furnish information to civilian law enforcement officials on the availability of surplus military equipment; and

"(2) make available to civilian law enforcement personnel nationwide, tollfree telephone communication with such office or offices.".

(b) CLERICAL AMENDMENT.—The item relating to such chapter in the tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of title 10, United States Code, is amended to read as follows:

"18. Military Support for Civilian Law Enforcement Agencies..... 371".

SEC. 1105. ENHANCED DRUG INTERDICTION AND ENFORCEMENT ROLE FOR THE NATIONAL GUARD

(a) FUNDING ASSISTANCE.—(1) The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under paragraph (2) sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of such State used—

(A) for the purpose of drug interdiction and enforcement operations; and

(B) for the operation and maintenance of the equipment and facilities of the National Guard of such State used for such purposes.

(2) The Secretary may provide funds under paragraph (1) to the Governor of a State who submits to the Secretary a plan specifying how personnel of the National Guard of that State are to be used in drug enforcement and interdiction operation by a National Guard of a State if—

(A) such operations are conducted at a time when personnel of the National Guard of the State are under the command and control of State authority and are not in Federal service; and

(B) participation by a National Guard personnel in such operations is service in addition to annual training required under section 502 of title 32, United States Code.

(3) Before funds are provided to the Governor of a State under this section, the Secretary of Defense shall consult with the Attorney General of the United States regarding the adequacy of the plan submitted by the Governor to the Secretary.

(4) Of the amounts appropriated pursuant to section 1106, the Secretary shall, for the purposes of paragraph (1), make available—

(A) not more than $30,000,000 for operations and maintenance for the National Guard, and

(B) not more than $30,000,000 for National Guard personnel.

(5) Nothing in this subsection shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

(b) TRAINING CRITERIA.—The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug abuse control activities.

(c) PRESIDENTIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the past effectiveness of using members of the National Guard for drug interdiction efforts, consistent with applicable law, along the borders and at the ports of entry of the United States and on the potential for the effective use of such members for such purpose in the future.

SEC. 1106. FUNDING OF ACTIVITIES RELATED TO DRUG INTERDICTION

(a) AUTHORIZATION OF APPROPRIATIONS.—(1) In addition to the amounts otherwise authorized to be appropriated by this Act, there is hereby authorized to be appropriated to the Department of Defense for fiscal year 1989 the sum of $210,000,000. Amounts appro-

priated pursuant to the preceding sentence shall be available only for transfer to other appropriations available to the Department of Defense and may be used only for the purposes stated in paragraph (2).

(2) Funds transferred under paragraph (1) may be used only for the mission of the Department of Defense set forth in section 113(1) of title 10, United States Code, as added by section 1101, for the activities of the Department of Defense under section 1103, and for National Guard drug interdiction activities described in section 1105. Such funds shall be available for obligation for the same period, and for the same purpose, as the appropriation to which transferred.

(b) TRANSFER OF FISCAL YEAR 1987 FUNDS.—Of the amounts appropriated for the Navy for procurement of aircraft for fiscal year 1987, and which remain unobligated on the date of the enactment of this Act, the sum of $90,000,000 shall be available only for the purposes set forth in subsection (a)(2). Such amount may be transferred to any appropriation made for the Department of Defense for fiscal year 1989 and shall be merged with, and be available for the same purpose as, the appropriation to which transferred. The period of the availability for obligation of any amount so transferred shall not be extended as a result of such transfer.

(c) NOTICE TO CONGRESS.—(1) The Secretary of Defense may not transfer any funds appropriated pursuant to subsection (a) to another appropriation for obligation pursuant to this section and may not transfer or obligate any funds made available under subsection (b) until—

(A) the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report with respect to that transfer described in paragraph (2); and

(B) a period of 60 days elapses after the report is received by those committees.

(2) A report under paragraph (1) with respect to a transfer of funds shall set forth in detail the Secretary's proposal for the obligation of such funds, including a statement of the following:

(A) The appropriation account or accounts to which the funds are proposed to be transferred.

(B) The activities proposed to be undertaken using those funds.

(C) The relationship between those activities and the drug interdiction strategy of the United States.

SEC. 1107. REPORTS

(a) PROPOSALS.—Not later than December 1, 1988, the President shall submit to Congress a report containing—

(1) legislative proposals to enhance the capability of the Department of Defense to perform the functions provided for in this title and in the amendments made by this title; and

(2) estimates of the amounts necessary to carry out such proposals.

(b) RADAR COVERAGE AND SOUTHERN BORDER.—(1) The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the potential

effect on drug interdiction and on the drug abuse problem in the United States of—

(A) carrying out radar coverage along the southern border of the United States; and

(B) pursuing drug smugglers detected by such radar coverage with rotor-wing and fixed-wing aircraft of the Department of Defense and of civilian law enforcement agencies.

(2) The President shall include in such report an assessment of the relative effectiveness—

(A) of carrying out the operations described in clauses (A) and (B) of paragraph (1) on a full-time basis;

(B) of carrying out such operations only during the hours of darkness; and

(C) the feasibility and cost of carrying out such operations under each of the conditions specified in clauses (A) and (B).

(3) The report under paragraph (1) shall be submitted not later than 30 days after the date of the enactment of this Act.

(c) PURSUIT BY AIRCRAFT.—(1) Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the following information:

(A) The total number of times suspected drug smugglers flying aircraft into the United States have been pursued by aircraft operated by or with the support of personnel of the Department of Defense under the authority of section 374(c)(2)(B) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act.

(B) The number of times civilian law enforcement officials were present at the location and at the time the suspected drug smugglers were forced to land their aircraft in the United States as a result of the pursuit of the aircraft operated by or with the support of Department of Defense personnel.

(C) The number of times such officials were not present at the location and at the time such suspected smugglers were forced to land their aircraft in the United States.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to such committees a report containing the following information:

(A) The total number of times suspected drug smugglers described in paragraph (1) have been pursued into the United States by aircraft operated by or with the support of Department of Defense personnel under the authority of section 374(b)(2)(C) of title 10, as amended by section 1104.

(B) The number of times civilian law enforcement officials were present at the location and at the time the suspected drug smugglers were forced to land their aircraft in the United States as a result of the pursuit of the aircraft operated by or with the support of Department of Defense personnel.

(C) The number of times such officials were not present at the location and at the time such suspected smugglers were forced to land their aircraft in the United States as a result of the pursuit of the aircraft operated by or with the support of Department of Defense personnel.

(D) Such other information and such recommendations as the Secretary considers appropriate regarding the use of Department of Defense personnel for purposes authorized in section 374(b) of title 10, United States Code, as amended by section 1104.

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1201. TRANSFER AUTHORITY

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in title I, II, or III for any fiscal year between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations for any fiscal year that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1202. INCREASE IN FISCAL YEAR 1988 DEFENSE FUNDS TRANSFER AUTHORIZATION

Section 1201 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1153) is amended—

(1) in subsection (a)—

(A) by inserting "of this Act or any prior defense authorization Act" in paragraph (1) before "for any fiscal year"; and

(B) by striking out "$2,000,000,000" in paragraph (2) and inserting in lieu thereof "$4,000,000,000"; and

(2) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) SPECIFIED PURPOSES.—In determining the purposes for which the authority provided by subsection (a) will be used, the Secretary of Defense shall ensure that to the extent that the total dollar amount of transfers under such authority exceeds $2,000,000,000, an appropriate portion of that authority is used to transfer to military personnel accounts and operation and maintenance accounts of the Department of Defense for fiscal year 1988 (1) funds for depot maintenance activities in amounts sufficient to reduce service backlogs which would otherwise occur, (2) funds for pay of civilian personnel in amounts sufficient to reduce furloughs, reductions-in-force, or re-

the account entitled "Research, Development, Test and Evaluation, Defense Agencies".

TITLE XI—DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

The House bill contained a provision (sec. 1101) that would authorize funds for specific items related to drug interdiction. The House bill also included a provision (sec. 1103) that would authorize use of the armed forces for interdiction or aircraft and vessels involved in drug smuggling.

The Senate amendment contained a provision (sec. 940) that would revise and expand the authority of the Department of Defense to assist drug interdiction efforts by civilian law enforcement authorities.

The conferees agree that the Department of Defense can and should play a major role in the national drug interdiction effort. Drug abuse has an increasingly corrosive effect on our society, and it is imperative that we substantially increase our national effort to meet this challenge. The conferees have developed a program that will significantly increase the role of the armed forces in an effective and responsible manner.

Drug enforcement intelligence information

The conferees emphasize that intelligence is the key to a successful drug interdiction program. The conference agreement requires the Secretary of Defense to ensure that civilian law enforcement officials are promptly provided with intelligence information collected by the armed forces that is related to drug interdiction. The conferees direct the Secretary of Defense to work with the Director of Central Intelligence to ensure that the collection of drug interdiction information is established as a high priority for the intelligence community.

Detection and monitoring of aerial and maritime transit (secs. 1101 and 1102)

Under the conference agreement, the armed forces will concentrate on the detection and monitoring of air and sea traffic, a role that is consistent with the traditional military mission. By undertaking the major role in air and sea surveillance, the military can eliminate the unnecessary duplication of assets and efforts by civilian agencies, and enable those agencies to focus on the law enforcement activities for which they are trained and equipped.

The conference agreement establishes a requirement for the Department of Defense, on an annual basis, to plan and budget for the effective detection and monitoring of all potential aerial and maritime threats to the national security. This will include guidance from the Secretary of Defense on the specific force levels and specific supporting resources to be made available for this mission, including that aspect of the mission that supports the DOD air and sea surveillance responsibilities related to drug interdiction.

Section 1102 establishes the Department of Defense as the single lead agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. The conferees

expect DOD to take prompt action to provide the necessary detection and monitoring capabilities in those border areas that serve as the primary points of entry by drug smugglers. The Department of Defense should focus on the area of greatest threat, the southern border of the United States, particularly during the hours of darkness. It is the hope of the conferees that the Department of Defense can develop the capability to conduct effective nighttime surveliance and monitoring of the southern border using a combination of: (1) Land, sea, and air-based radar; (2) aircraft capable of monitoring the flight of potential drug smugglers; and (3) integrated communications with the law enforcement agencies that will make the actual searches, seizures, and arrests. The conferees, in section 1107, have directed the President to report to the Congress on the feasibility of such a program. The conferees also urge the accelerated deployment of the system of aerostat radars in order to reduce the need for expensive airborne radar platforms. In this regard, the conferees call to the attention of the Department of Defense a gap in planned aerostat coverage from Brownsville, Texas to the northern part of Florida—a gap that hearings before the House Armed Services Committee have revealed is being increasingly exploited by aerial drug smugglers.

As lead agency, DOD will be responsible for coordinating all air and sea surveillance activities of the federal government, including the elimination of unnecessary duplication. The DOD role as lead agency will be to conduct and coordinate detection and monitoring activities, but the responsibility for establishing detection and monitoring requirements for the drug interdiction program will remain with civilian law enforcement authorities. The designation of DOD as the single lead agency can be changed by the President only if he makes a different designation within 15 days of the date of enactment and reports his reasons to the Congress.

The establishment of an air and sea surveillance mission and designation of the Department as the single lead agency represent a major new military requirement, and should substantially enhance our nation's drug interdiction efforts. It is important to put this in perspective, and to not assume that we have solved the drug problem through this major change in our interdiction program. The interdiction effort will not significantly reduce the drug abuse problem without a substantial increase in our nation's commitment to reduce the demand for illegal drugs.

Interdiction is not the most cost-effective component of a drug abuse reduction strategy. In testimony before the Senate Armed Services Committee, the Comptroller General reported that expenditures for federal anti-drug efforts have increased from $129.5 million to nearly $4 billion in the last seventeen years. In the last decade, the budgetary emphasis has been on supply reduction efforts as opposed to demand reduction programs. The Comptroller General reported that by 1987 the federal government was spending three times more on supply reduction that on demand reduction programs.

Despite substantial increases in interdiction resources, there has been little or no effect on the drug abuse problem. The Office of Technology Assessment (OTA) has reported that the quantity of cocaine coming into this country has more than doubled from 1981 to

1986—from 40 to 65 tons to over 130 tons. Although the OTA acknowledges that we are catching more smugglers and seizing more drugs, still more is coming through and there is no indication that the trend is changing.

Perhaps the best and most accurate indicators of the extent of the drug problem—price and purity—also raise questions about the wisdom of focusing primarily on interdiction. The most recent data from the National Narcotics Intelligence Consumers Committee estimates that the price of cocaine is at its lowest level reported to date. At the same time, its purity is at its highest—over 50 percent. The Drug Abuse Warning Network (DAWN) reported that cocaine-related hospital emergencies in 1987 are at the highest level yet recorded, increasing by more than 60 percent over the previous year's record. Since 1980 there has been a near tenfold increase in the annual number of those emergencies reported through DAWN nationwide—from 3,000 to 26,186.

In short, although we have been spending more and more federal dollars on interdiction in recent years, the drug problem has been growing by leaps and bounds. The General Accounting Office (GAO) has found no direct correlation betweeen interdiction resources and the availability of imported drugs in the domestic market. A recently completed study by the RAND Corporation also concluded that increased expenditures for drug interdiction would have a negligible effect on drug consumption.

In sum, while interdiction must remain a necessary component of any national anti-drug strategy, the conferees believe that we should reconsider the past federal emphasis on interdiction and other supply-side efforts, and develop a more balanced approach placing greater reliance on demand-reduction programs.

The conferees recognize that demand reduction efforts in areas such as treatment and education do not fall within the scope of the Armed Services Committees and will be more appropriately addressed in comprehensive drug legislation that the Congress is expected to consider later this year. However, based on a review of proposals for increased military involvement as well as testimony from numerous experts on the drug issue, the conferees recommend that increased federal emphasis be placed on demand reduction programs in the anti-drug effort. Although the conferees authorize and encourage an expanded military support for drug interdiction efforts, the conferees emphasize that priority should be given to reducing demand.

Communications network (sec. 1103)

The conference agreement requires the President to report to the Congress on a plan for integration by the Department of Defense of the command, control, communications, and technical intelligence assets of the United States dedicated to the interdiction of illegal drugs into an effective network. The President, in a subsequent report, also must advise Congress of his plan for assignment of the responsibility for operating this command, control, communications, and intelligence network. The role for the Department of Defense in this endeavor is to provide technical advice and experience in establishing and operating a communications network that provides command, control, and intelligence information. It does not

place DOD personnel in a command role, nor does it provide authority for the armed forces to engage in domestic intelligence gathering activities.

Drug interdiction and law enforcement support (sec. 1104)

In order to enhance the ability of the Department of Defense to provide support to the drug enforcement efforts of civilian agencies, the legislation revises the current law governing such activities as set forth in chapter 18 of title 10, United States Code. This revision is intended to expand the opportunities for military assistance in a manner that is consistent with the requirements of military readiness and the historic relationship between the armed forces and civilian law enforcement activities. Chapter 18 is revised as follows:

Use of intelligence and other information collected during military operations (10 U.S.C. 371)

Subsection (a) restates current law permitting DOD to provide Federal, State, or local civilian law enforcement officials with any information collected during the normal course of military training or operations that may be relevant to a violation of any Federal or State law within the jurisdiction of such officials. The requirement that this be accomplished "in accordance with other applicable law" means that the collection, retention, and dissemination of such information must be in accord with other legal requirements, such as the Privacy Act.

Subsection (b) establishes a requirement for the Department, to the maximum extent practicable, to take into account the needs of civilian law enforcement officials when planning and executing military training or operations. Examples include scheduling training exercises using night vision devices in border areas, conducting photo-reconnaissance training missions in a manner that serves the need of a civilian law enforcement agency for aerial surveillance of potential marijuana fields, and similar activities. It does not constitute authority to acquire information that DOD is not otherwise authorized to obtain during military training and operations.

Subsection (c) requires the Secretary of Defense to ensure that intelligence information related to drug interdiction and other civilian law enforcement matters is provided promptly to the appropriate civilian law enforcement officials to the maximum extent consistent with national security requirements. The conferees are sensitive to past concerns about use of the military for domestic intelligence gathering, and emphasize that this section does not modify in any way existing law with respect to the military's authority (or lack thereof) to collect and disseminate intelligence information about American citizens in the United States and abroad.

Use of military equipment and facilities (10 U.S.C. 372)

This section clarifies current law to provide that the Department of Defense may make available to civilian law enforcement officials any equipment (including associated supplies or spare parts), base facility, or research facility for law enforcement purposes. The assistance must meet the requirements of other applicable laws with

respect to interagency and intergovernmental use, transfer, or disposal of equipment.

Training and advising civilian law enforcement officials (10 U.S.C. 373)

Paragraph (1) clarifies current law to provide that the Secretary of Defense, in accordance with other applicable law, may make Department of Defense personnel available to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment, including equipment made available under section 372. Paragraph (2) restates current law permitting DOD to provide civilian law enforcement officials with expert advice. Such training and expert advice may extend to instruction in the operation of equipment, scientific analysis, translations, and assistance in strategic planning, but may not extend to direct, active involvement in specific law enforcement operations.

Maintenance and operation of equipment by Department of Defense personnel (10 U.S.C. 374)

Subsection (a) clarifies current law to provide that the Secretary of Defense, in accordance with other applicable law, may make Department of Defense personnel available to maintain equipment for Federal, State, and local civilian law enforcement officials.

Subsection (b) revises current law to specify the circumstances in which DOD personnel may operate equipment to assist civilian law enforcement agencies involved in the enforcement of drug, customs, and immigration laws. DOD personnel may operate equipment (including aircraft, vessels, and vehicles) for the following purposes:

Detecting, monitoring, and communicating of the movement of air and sea traffic (regardless of the location of the aircraft or vessels being monitored).

Aerial reconnaissance. The conferees intend this authority to be used for reconnaissance of property and not for surveillance of persons.

Interception of vessels or aircraft detected outside the United States for the purposes of communicating with such vessels and aircraft to direct such vessels and aircraft to go to a location designated by appropriate civilian officials. When the contact is made outside the United States, equipment operated by DOD personnel (e.g., an aircraft) may continue into the land area of the United States to direct the vessels and aircraft to go to a location designated by appropriate civilian officials. As used in this section, the term "interception" means a contact for purposes of communications, and does not include a physical interruption of the flight or passage of the aircraft or vessel.

Operation of equipment to facilitate communications in connection with law enforcement activities.

When jointly approved by the Secretary of Defense, the Attorney General, and the Secretary of State, DOD personnel may transport (or operate a base of operations for) civilian law enforcement personnel in connection with law enforcement operations outside the land areas of the United States (or any territory, commonwealth, or possession of the United States). The requirement for joint ap-

proval and the limitation to operations outside the United States are established in this section because of the potential for involving DOD personnel in a direct law enforcement confrontation, even though their role is designed for logistical support. To the extent that transportation of law enforcement officials or use of military officials does not reasonably raise the possibility of a law enforcement confrontation, such assistance may be provided in the United States under subsection (c).

Subsection (c) provides that the Secretary of Defense, in accordance with other applicable law, may make Department of Defense personnel available to any Federal, State, or local civilian law enforcement agency to operate equipment for purposes other than described in subsection (b) to the extent that such assistance does not involve direct participation in a civilian law enforcement operation, except as otherwise authorized by law.

Restriction on direct participation by military personnel (10 U.S.C. 375)

This section clarifies current law which requires the Secretary of Defense to issue such regulations as may be necessary to insure that the provision of any support (including the provision of any equipment or facility or the assignment or detail of any personnel) to any civilian law enforcement official under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law. The conferees deleted the term "interdiction of a vessel or aircraft," which is set forth in current law, because the term "interdiction" has acquired a meaning that includes detection and monitoring as well as a physical interference with the movement of a vessel or aircraft. The conferees emphasize, however, that they do not intend by this action to authorize military personnel to interrupt the passage of a vessel or aircraft except as otherwise authorized by law.

The conferees recognize that the magnitude of the drug problem has led to calls for the military to be directly involved in search, seizures, and arrests. The conferees, however, do not believe that it is appropriate to make such a radical break with the historic separation between military and civilian functions without clear and compelling evidence that such an action would result in a substantial reduction in the drug problem. The overwhelming weight of the evidence is that no such change would come from giving the military police powers.

As noted above, there is a serious question as to whether increased interdiction efforts—regardless of which agency actually exercises the police functions—will have a significant impact on the supply of drugs available to meet the demand. Providing law enforcement powers to naval personnel, for example, would not add to the Navy's ability to assist in maritime interdiction because current law already provides for placing Coast Guard Law Enforcement Detachment Teams on board naval vessels transitting drug interdiction areas.

Utilizing Navy instead of Coast Guard personnel for law enforcement purposes would do nothing to solve the most critical problems

that the Coast Guard now faces in drug interdiction, whether aboard Navy or Coast Guard vessels. As Peter Reuter of the RAND Corporation noted in testimony before the Senate Armed Services Committee: "Even when the Coast Guard has prior information that a vessel may be carrying drugs, only one out of eight of those boarded is found to have drugs. That is about five times higher than the agency's success rate when it has no prior information. The military services can ensure that the Coast Guard will see more vessels and pursue more of them for boarding. But it cannot at the moment do much to help the maritime services distinguish the undistinguishable."

The conferees agree that interdiction, to a reasonable degree, is a necessary part of a comprehensive drug strategy. However, none of the federal law enforcement agencies have requested use of military personnel to supplement their arrest, search, and seizure functions.

Drug interdiction is a sophisticated matter, and the Coast Guard provides its members with months of schooling and extensive on-the-job training. It makes little sense to create a situation in which the military skills of members of the armed forces will atrophy while they spend months receiving law enforcement training. To the extent that we need more individuals to perform law enforcement functions, the most cost-effective way to do so is to provide the law enforcement agencies with the necessary personnel. This bill follows this cost-effective approach by providing authority for increased Coast Guard Law Enforcement Detachment Teams.

The demand by some for use of the military in drug-related arrests would quickly fade in the face of actual law enforcement confrontations between the uniformed military and American civilians. As former Chief Justice Burger has noted, the American experience has been marked by "a traditional and strong resistance . . . to any military intrusion into civilian affairs. That tradition has deep roots in our history. . . ." *Laird* v. *Tatum*, 408 U.S.C. 1, 15 (1972). The Posse Comitatus Act, as one court has noted, is not "an anachronistic relic of an historical period the experience of which is irrelevant to the present. It expresses the inherited antipathy of the American to the use of troops for civil purposes. . . . Its relevance to this age is sadly clear." *Wrynn* v. *United States*, 200 F. Supp. 457, 465 (E. D. N. Y. 1961).

In testimony before the Senate Armed Services Committee, Secretary of Defense Carlucci noted: "I remain absolutely opposed to the assignment of a law enforcement mission to the Department of Defense. I am even more firmly opposed to any relaxation of the posse comitatus restrictions on use of the military to search, seize and arrest. I have discussed this matter with the President, and other senior members of his Cabinet, and I can report that these views are shared throughout this Administration. The historical tradition which separates military and civilian authority in this country has served both to protect the civil liberties of our citizens and to keep our Armed Forces militarily focussed and at a high state of readiness."

Support not to affect adversely military preparedness (10 U.S.C. 376)

This section restates the requirement under current law that provides that support (including the provision of any equipment or facility or the assignment or detail of any personnel) may not be provided to any civilian law enforcement official under this chapter if the provision of such assistance will adversely affect the military preparedness of the United States. The conferees note that this provision should not be interpreted in a manner that would shield the Department from providing support merely because it is inconvenient to do so. At the same time, the conferees note that the armed forces have the ultimate responsibility for the defense of the nation, and our military capability could be seriously compromised by draining DOD assets into other agencies.

Reimbursement (10 U.S.C. 377)

This section clarifies current law governing reimbursement. Chapter 18 of title 10 was designed to eliminate ambiguities as to the type of support that DOD can provide other agencies without violating the Posse Comitatus Act. It is not intended to establish the Department of Defense as a source of free supplies and manpower that can be tapped by other agencies without any form of accountability. When DOD makes equipment, facilities, or personnel available to other government entities, reimbursement shall be provided to the extent that would otherwise be required by the Economy Act or other applicable law. This section also makes it clear, however, that the reimbursement provision must be applied in a reasonable fashion. Reimbursement is not required when the support is provided in the normal course of military training or operations or results in a benefit to the Department of Defense that it substantially equivalent to that which would otherwise be obtained from military operations or training.

Nonpreemption of other law (10 U.S.C. 378)

This section, which is similar to the provision included when chapter 18 was first enacted in 1981, makes it clear that nothing in this revision is intended to limit the authority of the executive branch to use military personnel or equipment for civilian law enforcement purposes beyond that provided by law before the date of enactment.

Assignment of Coast Guard personnel to naval vessels for law enforcement purposes (10 U.S.C. 379)

This section clarifies current law authorizing a minimum of 500 active duty personnel of the Coast Guard to be assigned to naval vessels for performance of Coast Guard law enforcement functions, including search, seizure and arrest. The revision makes it clear that Coast Guard law enforcement personnel must be placed on each appropriate surface vessel that transits a drug interdiction area. A total of $6 million will be transferred from the Department of Defense to the Coast Guard in fiscal year 1989 for this program. To ensure the most cost-effective use of these funds, the conferees direct the Secretary of Defense to ensure that Coast Guard person-

nel are properly integrated into the ship's company of naval vessels to perform shipboard duties when not actually engaged in law enforcement activities.

Enhancing cooperation with civilian law enforcement officials (10 U.S.C. 380)

This section revises current law to emphasize the conferees interest in having the Department of Defense play the leading role in advising Federal, state, and local law enforcement officials of the types of assistance that DOD can provide.

Enhanced drug interdiction and law enforcement role for the National Guard (sec. 1105)

The National Guard traditionally has performed law enforcement functions under the direction of the Governors. When not in federal service, the National Guard is not subject to the Posse Comitatus Act. Subsection (a) provides funds for drug enforcement activities of the Guard while in state status. The Secretary of Defense may obligate up to $60 million for this purpose. To be eligible, the Governor must submit a plan to the Secretary specifying how personnel of the National Guard of such State are to be used in drug enforcement and interdiction operations. The Secretary of Defense is required to consult with the Attorney General in reviewing such proposals. It is the intent of the conferees that priority be given to those plans which (a) involve areas of the greatest need in terms of drug interdiction and (b) are most likely to be effective. The National Guard will remain under state command and control when conducting any law enforcement activity with funds provided under this section. The provision of these funds does not place the National Guard in federal status for purposes of the Posse Comitatus Act, or for any other purpose.

When in federal status, the National Guard can assist civilian law enforcement officials to the same degree as the active forces. Subsection (b) requires the Secretary of Defense to prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug abuse control activities.

Because the conferees believe that the National Guard may provide significant opportunities for enhanced law enforcement assistance, subsection (c) requires the President to submit to Congress a report on the potential effectiveness of using members of the National Guard for drug interdiction efforts, consistent with applicable law, along the borders and at the ports of entry of the United States.

Funding of activities related to drug interdiction (sec. 1106)

This section provides the Department of Defense with $300 million, which may be used only for drug interdiction activities involving the detection and monitoring of air and sea traffic under sections 1101 and 1102, the integration of a command, control, communications, and intelligence network under section 1103, or the activities of the National Guard in state status under section 1105. These funds are in addition to the funds that the Department of Defense currently is expending on drug interdiction activities. The

$300 million includes a transfer of $90 million appropriated for procurement of P–3 aircraft in fiscal year 1987. The conferees emphasize that DOD has been given specific missions under this Act in order to take advantage of existing assets and expertise, and intend that these additional funds should be used primarily to operate existing equipment. This does not preclude appropriate expenditures for procurement or research and development when there is a critical need that cannot be met with existing equipment.

To the extent that funds currently budgeted for activities related to the detection of air and sea traffic are insufficient to meet the requirements established in this legislation, the conferees invite appropriate reprogramming requests.

Reports (sec. 1107)

The conferees recognize that the new missions established in this Act are likely to require additional resources, and may require statutory modifications. Section 1107(a) requires the President to submit a report to Congress containing legislative proposals, including budgetary requests, not later than December 1, 1988. Subsection (b) requires the President to provide a report on aerial interdiction capabilities along the Southern border. Subsection (c) requires the Secretary of Defense to submit two reports on the relationship between civilian and miliary resources in specified air interdiction activities.

TITLE XII—GENERAL PROVISIONS

Legislative Provisions

LEGISLATIVE PROVISIONS ADOPTED

Transfer authority (sec. 1201)

The House bill contained a provision (sec. 901) that would permit the transfer of an authorization for any fiscal year to any other authorization for that fiscal year made available in titles I, II or III upon determination by the Secretary of Defense that such a transfer would be in the national interest. The provision would authorize reprogrammings involving the transfer of authorization between authorization as set out in bill language.

The authority to transfer could only be used to provide authorization for higher priority items than the items from which authorization was transferred and could not be used to provide authorization for an item that was denied authorization by the Congress. The Secretary of Defense would be required to notify the Congress promptly of transfers. The total amount of transfers would be limited to $2 billion.

The Senate amendment contained a similar provision, except that the total amount of transfers would be limited to $3 billion.

The House recedes.

Increase in fiscal year 1988 defense funds transfer authority (sec. 1201)

The House bill contained a provision (sec. 902) that would increase from $2 billion to $4 billion the ceiling on the authority to

Milestones in DoD Implementation of Title XI, FY 89 National Defense Authorization Act Counternarcotics Tasks

o 29 September 1988: Act signed.

o 13 October 1988: Deputy Secretary of Defense approved establishment of the Drug Enforcement Support Directorate within the staff of the Assistant Secretary of Defense for Force Management and Personnel. The Directorate is responsible for coordinating implementation of Title XI responsibilities, to include fiscal oversight of funds appropriated.

o December 8, 1988: Secretary of Defense issued Warning Order to the Commander-in-Chiefs (CINCs). Established organization to handle new DoD detection and monitoring mission and lead agency role, and assigned missions to CINCs. Requested proposed courses of action.

o January 6, 1989: Secretary of Defense issued policy guidelines for implementation of new DoD mission contained in Act (Defense Guidance).

o January 10, 1989: Secretary of Defense issued Alert Order to CINCs. Approved courses of action and directed operation orders be developed for detection and monitoring. CINCs commenced definition of program requirements.

o February 3, 1989: Secretary of Defense issued Execute Order to CINCs to commence detection and monitoring operations. Authorized $10 million of operation and maintenance funds for start-up costs.

o February 10, 1989: Joint Task Forces (JTFs) 4 and 5 Headquarters operational. Created JTFs to conduct anti-drug surveillance operations and coordinate Federal detection and monitoring operations in the Southeast and Southwest. A Coast Guard Vice Admiral commands JTF 4 in Key West, Florida, and reports to Commander-in-Chief, Atlantic. A Coast Guard Rear Admiral commands JTF 5 in Alameda, California, and reports to Commander-in-Chief, Pacific. Both JTF 4 and 5 are operational 24-hours a day, 7 days a week, in support of drug law enforcement interdiction operations; they coordinate the surveillance effort, and provide target data and fused intelligence to the civilian law enforcement command nodes.

o February 15, 1989: DoD Report to Congress was submitted. Provided implementation status of three mission areas: C3I communications integration plan, National Guard support to states, and detection and monitoring mission. Plan for use of $300 million provided.

o March 30, 1989: Secretary of Defense approved 12 National Guard Plans. National Guard troops conduct surveillance and inspection operations in support of state drug interdiction and enforcement operations. Funds transferred.

o April 28, 1989: Secretary of Defense approved 36 additional National Guard Plans. Funds transferred.

o May 5, 1989: C3I Report to Congress completed in response to Section 1103.b of the Act. Pending Director, ONDCP coordination and Secretary of Defense approval and forwarding to President for submission to Congress.

o May 17, 1989: DoD Drug Coordinator approved $300 million FY 89 DoD Counternarcotics program. Fiscal documentation commenced for allocation of operation and maintenance (O&M) funds and reprogramming for necessary procurements. Expect transfer of O&M funds to be completed by June 15. Reprogramming requests will reach Defense Committees commencing mid-June.

o May 25, 1989: Secretary of Defense approved National Guard plan for the District of Columbia. Funds transferred.

ENHANCED ROLE OF THE NATIONAL GUARD

LEGISLATIVE REQUIREMENTS:

- $40 Million earmarked for governors' plans
- Secretary of Defense approves plans after consultation with the Attorney General
- Duty must be under command and control of state authorities and in addition to normal annual training
- Must not degrade mobilization readiness

DEVELOPMENT OF PLANS:

- In conjunction with federal, state and local law enforcement agencies
- Lead agency is law enforcement agency, National Guard is in support role only
- Funding provided for pay and allowances and operations and maintenance only

PROCESS OF REVIEW AND APPROVAL:

- State submits plan to National Guard Bureau
- NGB to Department of Army and Department of Air Force
- Services to Office of the Secretary of Defense
- OSD to JCS, the Attorney General, and law enforcement agencies
- Secretary of Defense approval and implementation

STATUS OF PLANS:

- 48 Plans approved (12 on 30 Mar/36 on 28 Apr/1 on 23 May)
- 2 Plans at Department of Justice for review
- 4 Plans being staffed within OSD

TYPICAL MISSIONS:

- Aerial recon, surveillance, transportation and Photography
- Cargo search at land border entry points and seaports
- Ground reconnaissance of border and isolated airstrips
- Radar surveillance of borders and air corridors
- Equipment loan and training of law enforcement operators

DRAFT

DEPARTMENT OF DEFENSE

– REPORT TO CONGRESS

INTEGRATION OF COMMAND, CONTROL, COMMUNICATIONS AND TECHNICAL INTELLIGENCE INTO AN EFFECTIVE COMMUNICATIONS NETWORK FOR DRUG INTERDICTION

MAY 1989

I. INTRODUCTION:

The FY 1989 National Defense Authorization Act, Title XI, Drug Interdiction and Law Enforcement Support, Section 1103. Communications Network requests that the President develop a plan for the assignment of responsibility for operating the communications network(s) and submit a report to Congress on such plan. This report responds to that request.

The report focuses on the communications support for drug interdiction and the associated intelligence required for drug interdiction efforts. The communications goals are : (1) performance, (2) interoperability, and (3) security to meet mission needs based on the assessed threat. Most of the telecommunications equipment, systems and networks being used for drug interdiction are not dedicated for drug interdiction but serve a multi-purpose function within an agency. For example, the Border Patrol land mobile radio system is utilized to support the interdiction of aliens as well as drugs and other contraband. The strategy is to build on existing communications systems by updating, modifying, connecting, protecting, securing and expanding the relevant communications systems and subsystems. This report uses as its basis (1) the National Telecommunications Master Plan for Drug Enforcement which was developed by the Interagency Working Group on Drug Enforcement Communications and (2) the ongoing efforts in the development of the Drug Enforcement Telecommunications Implementation Plan by the Communications Interoperability Working Group (CIWG) of the Science and Technology Committee (National Drug Policy Board). Members of the CIWG are listed in Annex A.

The report is divided into six major sections: Introduction, Communications Network, Implementation Approach, Acquisition Strategy, Funding Approach, and Conclusion. The Communications Network section describes the communications network and the various communications subsystems, the shortfalls and actions required to meet the communications goals, and the roles and responsibilities of the various agencies as they relate to the communications network. The

Implementation Approach section describes an approach and strategy to achieve interoperable secure communications among the several agencies that are involved in drug interdiction. The Acquisition Strategy section provides an approach for acquiring equipment and support which capitalizes on economies of scale and ensures the acquisition of standard equipment among the agencies. The Funding section provides Congress the funding approach and a spending plan for FY 1989 funding authorized to update, modify, connect, protect, secure and expand the relevant communications system and subsystems.

II. COMMUNICATIONS NETWORK:

A. General. The purpose of this section is to (1) present an overview of the communications network supporting drug interdiction, (2) indicate responsibility for operating the network and the communications subsystems, and (3) identify shortfalls from an interoperability and security standpoint. Detailed information on existing communications capability/networking is provided in the Master Plan and is not repeated here. As mentioned in the introduction, most of the networks involved are multi-purpose networks; i.e., drug interdiction/enforcement information is one of several categories of information transmitted over these communications systems and subsystems.

B. Fixed Networks. Fixed Networks include several long haul communications networks that are currently being used by the Federal Government to transfer data and voice traffic.

1. Federal Telephone System (FTS)/Federal Telecommunications Services (FTS)-2000. The FTS is currently being used by most of the civil agencies for their long distance traffic reqirements. The General Service Administration's FTS 2000 is primarily an intercity network that will be capable of providing voice, data, and video services. The FTS 2000 contract has been awarded

and the use of this network has been mandated by Congress for all administrative and logistics traffic. The FTS 2000 with STU-III's on each end of the circuit provides a fairly inexpensive secure voice capability between cities. Adding a facsimile machine (through a STU-III) expands the capability to pass low-speed secure data. This is ideally suited for headquarters-to-headquarters and region-to-region type connectivity and meets one of the established drug interdiction communications requirements.

2. Public Switched Network (PSN). The PSN is comprised of the commercial long distance carriers' systems (AT&T, MCI, Sprint) and, similarly, by adding STU-III's and facsimile equipment to the system will increase secure communications capabilities. This would expand connectivity where the FTS 2000 does not reach and is ideally suited for offices and agencies.

3. Intracity Telephone Systems. The Regional Bell Operating Companies and several independent telephone companies provide a variety of telecommunications services within our cities. Adding cellular STU-III's to the drug enforcement communications system will further increase our secure communications capabilities in the regions.

4. Systems that could also be categorized as parts of the fixed network include AUTODIN, AUTOVON, and other facsimile, record, and data systems of the individual agencies.

   a. Description. Typically fixed networks handle a wide variety of information supporting the operation and administration of each agency. These networks are described in the Master Plan. The basic goal with

fixed networks is to extend connectivity to required locations and enhance security.

b. Shortfalls/actions required.

(1) Ensure that all activities and units supporting drug interdiction are equipped with adequate quantities of STU-III's.

(2) Provide the required amount of facsimile equipment with STU-III's at each organization or activity supporting drug interdiction.

(3) Extend existing agency record and data networks and capabilities, where appropriate.

(4) Ensure encryption and protection devices specified in the Master Plan are utilized effectively on all networks handling classified and sensitive drug enforcement information.

C. Radio Networks. These radio networks provide the capability for effective command and control of mobile and field operations and real time interoperability. They also present the greatest challenge from an interoperability standpoint. The capability or lack of capability for rapid radio communications in an interoperable secure manner frequently spells the difference between mission success or failure. Also, the addition of security and protection devices has added a higher degree of complexity to achieving interoperability.

1. Very High Frequency/Ultra High Frequency (VHF/UHF).

a. Description. Each agency operates its own line of sight communications system. These vary from base stations with a few mobile and/or portable radios to national systems employing extensive connectivity

with thousands of radios. The interoperability goal is to ensure that the radios of each system can communicate with the radios of other systems. Significant interoperability problems exist in these bands.

b. Shortfalls/actions required.

(1) All agencies must upgrade existing systems to meet the standards delineated in the Master Plan.

(2) Selectively expand coverage of existing radio systems to ensure coverage in high priority interdiction areas.

(3) Employ dual-band radios and/or crossband repeaters to achieve interoperability among agencies.

(4) Achieve end-to-end encryption and/or protection on all radio systems used in interdiction efforts.

(5) Provide effective key management for NSA-generated KEYMAT for interagency and intra agency use.

(6) Pursue the development of over-the-air rekeying (OTAR) as an enhancement and supplement to current manual methods. Demonstrate technical feasibility and operational practicality of OTAR.

(7) Migrate to radio systems with multiple key load and OTAR capability.

(8) Study and make recommendations to the Director, Office of National Drug Control Policy, on

frequency management supporting drug interdiction efforts.

2. High Frequency (HF).

a. Description. Agencies employ HF where landline and line-of-sight radio systems are not useable or available. The Department of Defense (DoD), Coast Guard, Customs, Drug Enforcement Administration (DEA), and Federal Bureau of Investigation(FBI) utilize HF significantly. The Master Plan provides for two cryptographic standards for covering HF radio systems (1) PARKHILL for transmitting classified information: and (2) VP 100/110 for tactical transmission of sensitive law enforcement information. Additionally both Automatic Link Establishment (ALE) and fixed frequency networks are utilized and will continue to be used. A significant portion of HF voice communications is still conducted in the clear. The goal is to provide direct connectivity among network users with high reliability to other similar secure and/or protected communications network(s).

b. Shortfalls/actions required.

(1) Expedite transitioning to all encrypted systems--emphasis on encrypting communication through ATLAS, the Customs Over-the-Horizon Enforcement Network (COTHEN), and the HAT TRICK HF Air Interdiction Net. Incorporate follow-up action to ensure that encryption devices are effectively being utilized.

(2) In the long term, replace PARKHILL and VP-110 systems with Advanced Narrowband Digital Voice Terminal (ANDVT).

(3) Utilize NSA-generated KEYMAT on all HF networks.

(4) Investigate OTAR rekeying techniques for HF. Demonstrate OTAR capability and employ to enhance and supplement manual methods.

(5) Ensure adequacy of internetworking between incompatible networks at selected command or communications facilities to ensure interagency compatability.

(6) Provide effective interface devices between HF secure radio systems and telephone systems using STU-III's.

(7) Study and make recommendations to the Director, Office of National Drug Control Policy, on frequency management supporting drug interdiction.

3. Satellite Communications (SATCOM).

a. Description. SATCOM connectivity for contingency operations is currently provided to law enforcement agencies primarily by DoD UHF satellite systems. While considerable support is provided, it is very limited compared to the need for SATCOM in drug enforcement applications. The use of SATCOM could measurably enhance the law enforcement agencies responsiveness and effectiveness in drug interdiction activities.

b. Shortfalls/actions required.

(1) In the short term, continue to use DoD resources augmented by commercial capabilities to meet high-priority requirements by acquiring a small number of portable SATCOM terminals for deployment utilizing DoD UHF satellite and commercial satellite channels.

(2) Develop a plan for a law enforcement SATCOM system. An approach with milestones in achieving an implementation plan for a law enforcement satellite system is at Annex B. Pursue a multi-agency effort to identify current and future SATCOM requirements for law enforcement agencies. Based on these requirements, develop systems specifications, an implementation concept, and funding plan. Execute an effective SATCOM program with congressional budgetary support for the law enforcement agencies.

4. Contingency Communications Assets.

a. Description. These consist of transportable communications facilities and pools of communications equipment available for rapid deployment to support interdiction operations. Existing law enforcement agency assets to fill these needs are very limited and generally are not properly configured. DoD assets have been utilized as a stopgap measure for interoperability among the law enforcement agencies. The goal is to obtain communications packages to support multiagency contingency operations. Flexibility and quick response in supporting contingency operations with interoperable communications packages are critical.

The key is to provide enhanced capabilities to law enforcement activities with less reliance on DoD communications resources.

b. Shortfalls/actions required. The initial approach is to provide a small communications package to cover high priority, frequently requested items. The scope of follow-on efforts would depend on the utilization and success of the initial package.

(1) Procure and strategically locate transportable telecommunication centers and mobile facilities specifically configured to support multiagency drug interdiction operations. Management and operation of these assets would be by the law enforcement agencies.

(2) Procure and strategically locate telecommunications equipment which would be utilized to support multiagency drug interdiction operations. This would include portable and mobile VHF/UHF and HF radios, COMSEC equipment, repeaters, portable SATCOM terminals, portable and cellular STU-IIIs, facsimiles, etc. Management and operation of these assets would be by the law enforcement agencies.

5. Key Management. COMSEC key management is an essential element of interoperability.

a. Description. NSA approved systems are used by each agency transmitting classified material with NSA-generated KEYMAT. For protected and privacy systems, a variety of methods are employed. Central control/coordination is essential in achieving interoperability and the necessary security

standards. The Coast Guard assumed the role of Controlling Authority and has worked with the agencies to create a law enforcement/drug interdiction KEYMAT package primarily for interagency tactical communications. This package is currently being used by the law enforcement agencies and is being expanded. Loading the KEYMAT is currently a manual process and a limited law enforcement agency communications infrastructure to support key management hinders timely employment of COMSEC systems. Automated methods such as OTAR will be actively pursued for the longer term; however, manual keyload capabilities must be expanded in the near term.

b. Shortfalls/actions required.

(1) Federal law enforcement agencies must utilize NSA-generated KEYMAT on all networks supporting drug interdiction. This will ensure interoperability and compatible security.

(2) Develop, demonstrate, and implement OTAR methods to enhance and supplement manual key loading methods.

(3) Develop video training films and form training teams for COMSEC and the communications equipment and systems supporting drug interdiction.

(4) Conduct COMSEC surveys to ensure that COMSEC devices and procedures are being properly utilized.

D. Connectivity by Mission. This section provides a graphic overview of a variety of telecommunications connectivity to support

drug interdiction and the associated intelligence functions. For ease of understanding, the communications connectivities are presented pictorially and regionally.

1. Air Interdiction (see Annex C).

   Air interdiction presents significant challenges from the standpoint of wide geographic areas involved (source country to anywhere in the United States), the variety of surveillance, interception, tracking and apprehension platforms involved, and the short response time to be effective. Air interdiction can quickly become a maritime or land problem if an air drop is involved. The communications connectivity to effectively support air interdiction is very extensive and must interconnect with the command and control nodes for maritime and land interdiction.

2. Maritime Interdiction (see Annex D).

   Maritime interdiction focuses on the departure zones (source countries), the transit zone, and the arrival zone (12 mile limit). Reliable, secure and rapid communication is also required to support maritime interdiction. The communications connectivity must be provided among a variety of operating units dispersed over a wide geographic area. In addition, interoperability with foreign cooperating forces is required in the departure zone.

3. Land Interdiction (see Annex E).

   The telecommunications coverage along the border to support land interdiction is inadequate. In addition, terrain masking presents transmission problems. Several years and substantial funding will be required to achieve

full interoperability among federal agencies operating along the border.

4. Detection and Monitoring.

The DoD has the primary responsibility for the Detection and Monitoring System (D&MS) for drug interdiction. Within the DoD, the responsibility has been assigned to the Joint Chiefs of Staff. The detection and monitoring mission is being executed through the regional control of USCINCLANT, USCINCPAC, CINCNORAD and USCINCSO. Each CINC will use assets of his command and those intended to provide him support. The near term detection and monitoring effort is to network centers and agencies to share operational information. The DoD plans to use the Defense Data Network (DDN) to link the key nodes providing visually integrated detection and monitoring data to the network. Communications connectivity diagrams to support the D&MS are at Annex F. The Joint Staff maintains close coordination and is a member of the CIWG to ensure that the secure interoperability goals are met.

E. State and local. Telecommunications connectivity between Federal and state and local authorities involved in drug interdiction is an essential element in supporting drug interdiction. The primary methodology currently being used to effect interoperability among the State and local authorities is the loan/sharing of communications equipment by a Federal Agency. Digital Encryption Standard (DES) protection devices are being utilized on a limited basis. As the use of COMSEC becomes more prevalent, effective key management for shared systems will be an important element in ensuring interoperability with the appropriate access controls. Procure STU-III (Type I--with unclassified key) or STU-III (Type II) for distribution and use by appropriate state and local authorities.

F. Key Interdiction Nodes. This section is provided as an aid to understanding the telecommunications capability of the following key nodes in the drug interdiction process.

1. Command, Control, Communications and Intelligence Facilities (C3I) (see Annex G).

   The two C3I facilities located at Riverside, California, and at Miami, Florida, provide command and control for air interdiction. Very extensive surveillance and communications connectivity, as indicated on the diagram, is required to effectively perform the assigned mission.

2. Joint Task Force (JTF) (see Annex H).

   These two DoD facilities (Alameda, California, and Key West, Florida) provide command and control of DoD surveillance assets, coordination of the overall detection and monitoring effort relative to maritime and air transits, and fusion of national intelligence information. Communications connectivity with law enforcement agency command and control nodes will permit rapid exchange of information and a coordinated effort in support of drug interdiction.

3. Coast Guard District (see Annex I).

   The Coast Guard District command centers provide command and control for maritime interdiction during the transit phase as well as the departure and arrival phases. The Coast Guard Group commands the Coast Guard interdiction forces primarily in the arrival zone.

4. Blue Lightning Operational Command Center (BLOCC) (see Annex J).

The BLOCC provides Customs' marine asset command and control capability in the arrival zone.

5. El Paso Intelligence Center (EPIC) (see Annex K).

EPIC is the primary repository and processing center for drug enforcement information. Lookouts and inquiries are two of the major areas of support. EPIC also provides tactical analytical support. Rapid on-line communications support is required for quick turnaround of tactical inquiries related to drug interdiction.

6. Mobile Units (see Annex L).

Thousands of mobile units are involved daily in drug interdiction. These range from vehicles to aircraft to ships. Interoperability among these various systems provides the communicator with a significant challenge. The initiatives articulated in this report and the Master Plan, when implemented, will improve the situation significantly.

G. Responsibility for operating the telecommunications networks.

1. **Operational Responsibility.** Most of the telecommunications equipment, systems, and networks being used for drug interdiction are not dedicated for drug interdiction but serve a multi-purpose function within an agency. For example, a STU-III located in an office on the Coast Guard staff could be used for several functions to include a drug interdiction function, a sea and air operational function, and a myriad of administrative functions. A dedicated communications system that only supports a drug interdiction function is unaffordable and

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it would not be a prudent expenditure of public funds to build a dedicated system to support this effort. Therefore, the impetus in communications support for drug interdiction is to capitalize on existing systems to the maximum extent possible by expanding, modifying, etc. to a set of standards that have been developed to promote interoperability and security among the participants in drug operations. Therefore, the primary responsibility for operating and maintaining these communications assets rest with the using agency.

2. **Oversight.** The CIWG of the Science and Technology Committee (NDPB) has been tasked to develop the Implementaion Plan for communications support for drug interdiction activities. This multiagency group also has the oversight responsibility in ensuring that the communications implementation is effected in accordance with the Master Plan. The CIWG will also provide recommendations to the Director, Office of National Drug Control Policy, to ensure that the communications goals in support of drug interdiction are met.

3. **Networks Used for Joint Operations.** Agencies participating in drug interdiction and other drug enforcement activities encourage the joint use and sharing of their systems. Joint networks that are specifically created for joint and contingency operations in support of drug interdiction efforts are operated according to standards and procedures agreed to between the participants. These standards and procedures will be documented by memoranda of understanding (MOUs) and/or in OPLANS/OPORDS to the maximum extent practical. Additionally, the MOUs will indicate the responsibilities for each agency utilizing the communications subsystem(s).

4. **Coordination.** National level coordination is normally effected directly between the agencies involved in a specific operation. The CIWG has promoted coordination among the agencies involved with drug interdiction and will continue to foster these relationships. In many cases, coordination of communications assets and procedures is better effected at the regional levels. In any case, close interagency coordination and planning at both the National and regional level are absolutely essential to achieve interoperability for drug interdiction operations. Recommendations will be made by the CIWG to the Director, Office of National Drug Policy Control, to ensure the effectiveness of this process.

III. IMPLEMENTATION APPROACH:

As indicated in the DoD January Report to Congress, the National Telecommunications Master Plan for Drug Enforcement Communications (Master Plan) is being used as the framework for developing a comprehensive implementation plan to support drug interdiction and the associated intelligence functions. The individual agencies' concepts of operations (related to joint operations) are being updated, and the modifying and updating of identified interagency high level information exchange requirements has been completed (see Annex M for updated matrix). The analysis of the communications requirements to support these needs is ongoing and will be reflected in the Drug Enforcement Telecommunications Implementation Plan (Implementation Plan). A preliminary assessment has been conducted with the resultant "shortfalls and actions required" delineated in the Communications Network section of this report. The Implementation Plan should be published and approved for implementation in the July 1989 timeframe.

The responsibility for implementing the Master Plan and the Implementation Plan rests with the individual agencies involved in drug enforcement. Because of the budgetary process and to initiate a

cohesive and comprehensive program, the DoD initiated, in FY 1988, a program to procure and loan to the relevant law enforcement agencies communications and COMSEC equipment which promotes interoperability and security in support of drug operations. The FY 1989 DoD Authorization Act authorizes the use of funds to support further the integration of C3I assets into an effective communications network. These funds will be used to update, modify, connect, protect, secure, and expand the relevant communications subsystems to ensure interoperability and security among the agencies. The initial focus will be on the high priority regions such as the Southeast and the Southwest. Additionally, FY 1990 funding will be sought to continue the implementation of the Implementation Plan. For FY 1991 and the outyears, the individual agencies, with the support of the Director, Office of National Drug Control Policy, and the Congress, will continue these modernization efforts and provide the required operations and maintenance funding for the systems currently being acquired. Agencies are encouraged to utilize Asset Forfeiture Funds to meet the goals and standards of the Master Plan. It is recommended that the CIWG continue its oversight role and provide recommendations to the Director, Office of National Drug Control Policy, to ensure interoperable and secure communications among the agencies.

IV. ACQUISITION STRATEGY.

The acquisition approach will build on economies of scale by (1) utilizing existing contracts and (2) initiating requirement contracts for the equipment and services required to support the communications effort. Aggregating requirements under a single contract vehicle will yield a lower price, assist overall field planning prioritization, and ensure like equipment is being acquired to support the interoperability needs. The new requirement contracts must support multi-year procurements and be large enough to accommodate the law enforcement agencies' current and future needs.

V. FUNDING:

The Master Plan was based on the premise that the agencies involved in anti-drug related efforts, to include the interdiction and associated intelligence functions, would program, plan, budget, and implement the recommendations in the Master Plan themselves. The costs for achieving a totally secure and interoperable communications system to support drug interdiction efforts is very expensive. A conservative estimate would be around the $1B mark (this assumes building and expanding existing communications systems and subsystems to meet the communications goals for drug interdiction and not building a dedicated system for this effort). Additionally, a requirement will exist for increased personnel to implement, operate, and maintain these expanded communications systems. The Interagency Working Group for Drug Enforcement Communications (IAWGDEC), the developer of the Master Plan and the focal point for all drug communications matters and issues, recognized that without additional funding in the near term, the goal to ensure a secure, interoperable, interagency communications capability would not be achieved. The following funding approach and strategy was developed to get the program underway and to sustain the program through its life cycle. **(Note: If the communications objective is to be met, congressional out year funding support for the participating agencies' budgets will be required.)**

FY 1988--DoD Communications/Communications Security Equipment Support:

In 1988, the DoD programmed $6.2M to acquire communications and communications security equipment to support the law enforcement agencies in their fight against drugs. The equipment being acquired initially supports the Master Plan recommendations (follow-on funding is still required) by acquiring equipment to secure and promote interoperability among the agencies. See Annex N for a listing of communications and COMSEC equipment being acquired with FY 1988 funding to support drug efforts.

FY 1989--DoD National Defense Authorization Act:

The FY 1989 National Defense Authorization Act assigned the Secretary of Defense the responsibility to integrate U.S. command, control, communications, and technical intelligence into an effective communications network. The DoD Report to Congress dated January 1989 indicated that $60M was proposed to be used to update, modify, connect, protect, secure, and expand relevant communications systems and subsystems to effect this responsibility. Annex O delineates the proposed spending plan for FY 1989 funding to support the C3I integration effort. **(Note: Some changes may be made to the spending plan based on the results of the comprehensive assessment being accomplished and to be incorporated in the Implementation Plan--June 1989.)**

FY 1990--Proposed Funding Requirements for Continued Near Term Support for the Integrationof C3I into an Effective Communications Network:

$60M is being sought in 1990 to continue updating, modifying, connecting, protecting, securing, and expanding relevant communications systems and subsystems to support drug interdiction and associated intelligence efforts. This will be based on the recommendations of the Implementation Plan. See Annex P for proposed funding plan. **(Note: Changes may be made to the spending plan based on the results of the comprehensive assessment being accomplished and to be incorporated in the Implementation Plan--June 1989.)**

FY 1991 and Out Years:

It is anticipated that in the FY 1991 and out year timeframe that the agencies participating in drug interdiction and associated intelligence functions will plan, program, budget and implement the communications solutions required to modernize and sustain the

THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-4000

FORCE MANAGEMENT
AND PERSONNEL

MEMORANDUM FOR BETSY PHILLIPS, STAFF ASSISTANT, SUBCOMMITTEE ON DEFENSE, HOUSE APPROPRIATIONS COMMITTEE

SUBJECT: $300 Million for DoD Counterdrug Efforts

This responds to your 17 May 1989 telephonic request for information on DoD's use of the FY 1989 $300 million authorized and appropriated for DoD's new counterdrug efforts. The following brief analysis focuses on each point you addressed:

1. Presently obligated. To date, the OSD Comptroller has transferred $30.239 million to the Military Departments to support state-level enhanced National Guard operations. Few funds have actually been obligated.

2. Plans for spending the remainder.

a. $10 million to the states for additional enhanced National Guard support.

b. $60 million for acquisition of communications equipments to support the integration of command, control, communications and technical assets dedicated to drug interdiction into an effective communications network. This effort builds on implementation of the approved National Telecommunications Master Plan for Drug Enforcement and supports civilian law enforcement agencies.

c. $100 million will be used for sensor support. This includes the acquisition of sea and land based aerostats, deployable radar support, aerostat relocation, and a small sea-based deployable aerostat.

d. $39.0 million will be used to enhance and ensure fundamental military communications connectivity to initiate networks between sensors, intelligence sources, fusion centers (target and tailored intelligence support), and law enforcement command nodes in order to perform DoD's detection and monitoring role.

e. $17.0 million to cover costs associated with startup costs for the fusion centers. This includes administrative costs, temporary duty and travel costs for personnel, facility security and other basic costs.

f. $19.0 million to upgrade baseline ADP capability at fusion centers to process data and support analysts.

g. $18.0 million to increase operational flying hours and steaming days in support of detection and monitoring mission.

h. $7.0 million for various miscellaneous costs associated with DoD activities providing nonprogrammed or budgeted support to the detection and monitoring mission. These include mapping and directing special intelligence support, etc.

3. Schedule for obligating the balance. On 17 May we completed a full program review of requirements submitted for DoD's counterdrug effort. Tabulation of approved projects will be completed May 18, 1989, but are summarized in paragraph two above. We plan to accomplish transfer of the operations and maintenance monies in June. Documents to support the required reprogramming of necessary funds to procurement should reach the Congressional Defense Committees in June.

I hope the foregoing answers your informational needs. See also the related attached paper developed by the Defense Comptroller's staff for Senator D'Amato. If I can be of any further assistance, please call me at 695-7805.

Dale H. Clark
Director, Requirements, Plans,
and Programs
ODASD(OP&E)

DRUG INTERDICTION, DEFENSE (DI,D)

In preface to the following questions, the Drug Interdiction account is a transfer appropriation with a total FY 1989 value of $300 million, derived by appropriation of $210 million and transfer from Aircraft Procurement, Navy, 1987/1989, of $90 million. As a transfer account, it is exempt from OMB apportionment; however, apportionment is required for the Components' accounts when they are increased by the transfers from DI,D. Because of the provisions of the FY 1989 National Defense Authorization Act, the Department could not transfer funds from the Drug Interdiction account to the Service appropriations prior to April 16, 1989 (60 day waiting period).

QUESTION 1: Why are these funds not listed separately on OASD (Comptroller) Directorate for Program and Financial Control financial accounting documents? (Specifically, FADs 727, 744, 745, 750, 751, 752, and 761.)

ANSWER: Since the Drug Interdiction, Defense account is a transfer account, funds are not obligated or expended in that account. For execution of the program, funds are transferred to the appropriations responsible for the mission being performed, such as Operation and Maintenance, Air National Guard and National Guard Personnel, Army. Although the obligations and outlays for the drug program are included in the totals reported for these appropriations, the OASD(C) financial accounting documents only display obligations and outlays at the appropriation level and do not separately identify such data for the drug program.

QUESTION 2: On what financial accounting documents are these funds listed separately and how are they shown?

ANSWER: The drug funds are not separately identified on any of the Department's accounting documents. However, the Components have mechanisms in their accounting systems which allow them, on request, to identify the obligations for the drug program. Budget documents requesting apportionment from OMB and issued to the Services do reflect the issuance of funds for the drug program to the Components' appropriations.

QUESTION 3: Please provide my office with copies of the most recent of these financial accounting documents.

ANSWER: Copies of OMB apportionments and the OSD memoranda reflecting issuance of the funds to date are enclosed.

QUESTION 4: When were these funds apportioned to OASD (Comptroller) by the Office of Management and Budget?

ANSWER: The funds were apportioned to the Army National Guard and the Air National Guard on April 19, 1989.

QUESTIONS 5, 6 , and 7: When were funds transferred from the Aircraft Procurement, Navy account pursuant to P.L.s 100-456 and -463, and to what accounts were these funds transferred? In what accounts are these $210 million in appropriated funds now located? What is the current availability of these funds (the total $300 million appropriated and transferred) for obligation?

ANSWER: The Aircraft Procurement, Navy funds totaling $90 million were transferred into the Drug Interdiction, Defense account on October 28, 1988, raising the total in that account to $300 million. Separate identification of the sources is not maintained within the account, and transfers occur from the total, not the separate parts. As shown below, $30.2 million has been issued to the Military Departments from the Drug Interdiction, Defense account, leaving $269.8 million available for future transfer.

Appropriation	($ in Thousands)
O&M, Army National Guard	4,143
National Guard Personnel, Army	19,910
O&M, Air National Guard	3,441
National Guard Personnel, Air Force	2,745
	30,239

A program review ~~is currently underway to~~ was completed on 17 May and defined the remaining FY 1989 program.

QUESTIONS 8 and 9: What portion of the $300 million has been obligated, from what accounts has it been obligated, and for what general purposes has it been obligated, by account, as of this date, or the date of the most recent report to your office by the cognizant officials? What portion of the amounts obligated from this $300 million has been expended, by account, as of this date, or the date of the most recent report to your office by the cognizant officials?

ANSWER: Because of the provisions of the FY 1989 Authorization Act, funds were not apportioned until April 19. Accordingly, few obligations have been recorded against the drug program.

Accounting data for the O&M accounts is available through April 30, 1989. The Army National Guard has distributed $3,971 thousand to the State Guard Bureaus, but no funds were obligated or expended through April 30. The Air National Guard has obligated $220 thousand in O&M. Of this amount, $200 thousand has been expended. The funds are being used to finance the implementation of the approved State drug plans.

Due to a lag in the Military Personnel accounting system, Army and Air National Personnel appropriation obligation and expenditure data will not be available until June 1, 1989.

Z 5 MAY 1989

MEMORANDUM OF UNDERSTANDING AMONG
DEPARTMENT OF DEFENSE, UNITED STATES COAST GUARD,
AND THE UNITED STATES CUSTOMS SERVICE

SUBJECT: DEVELOPMENT AND IMPLEMENTATION OF DETECTION AND MONITORING

I. PURPOSE. This memorandum sets forth the mutual understanding of the signatory agencies as to their involvement in the detection and monitoring of suspected aerial and maritime transit of illegal drugs into the United States.

II. BACKGROUND. The drug interdiction process is composed of a number of functions and activities ranging from initial detection through monitoring/tracking to apprehension and prosecution. In the FY 1989 National Defense Authorization Act, the Department of Defense was designated single lead agency of the federal government for such detection and monitoring. The DoD role as single lead agency will be to conduct and coordinate detection and monitoring surveillance activities to eliminate unnecessary duplication and maximize interdiction success. This Memorandum of Understanding will not address any functions, relationships, or activities related to apprehension or the subsequent aspects of the drug interdiction process. The following definitions will serve as the common basis for the planning, scheduling and executing of detection and monitoring.

DETECT - To determine the presence by visual or electronic means of aircraft or vessels suspected of transporting/trafficking illegal drugs into the United States.

NOTE: An intelligence tip that indicates the actual or intended location of an aircraft or vessel potentially facilitates but does not constitute detection.

MONITOR - Maintain continuous knowledge of the location of a suspect aircraft or vessel. The process can be accomplished through active, passive or a combination of these means.

ACTIVE MONITORING - Maintaining awareness of the location of an aircraft or vessel by physically (either clandestinely or overtly) trailing the suspect.

NOTE: Non-DoD agencies charged with drug interdiction normally consider this to be "tracking".

PASSIVE MONITORING - Maintaining awareness of the location of an aircraft or vessel through electronic means.

NOTE: Conducting simultaneous active and passive monitoring is possible and probable.

SORTING - The dynamic, interactive process involved in differentiating unknown/suspected drug transporting/trafficking aircraft or vessels from legitimate aerial or maritime traffic. This process begins with initial detection or tip on the presence of an unknown/suspect and ends with the final determination (often resulting after search of a suspected trafficker) of legitimacy and the feedback of this information to all involved parties. All involved agencies have distinct and complementary roles to play in this process.

TRACKING - Same as active monitoring.

INTERCEPT - Establish a position relative to vessels or aircraft from which identification and/or activities or the intercepted vehicle can be determined/monitored either visually or electronically.

APPREHENSION - The act of performing an enforcement stop of a vessel or landed aircraft; taking into custody the vehicle, illegal contraband, other implicated conveyances, and the persons involved in transporting the contraband (search, seizure, and arrest).

DETECTION AND MONITORING ASSET - An asset that is suitably equipped to perform aerial or maritime surveillance, either visual or electronic. A number of multimission capable aerial/maritime platforms could conceivably be utilized to perform a detection and monitoring function if a priority operational need existed and the owning agent made the asset available. However, for the purposes of developing a detection/surveillance plan, helicopters/fixed wing aircraft and vessels that would normally be used for active monitoring/tracking and/or apprehension will not be considered.

III. **RESPONSIBILITIES**. With the fullest recognition that the aforementioned agencies each contribute an integral part to the successful accomplishment of detection and monitoring and that the accomplishment of detection and monitoring is inherent in the interdiction process, we, the undersigned, agree that the execution of this multiagency effort will be facilitated by agreement and recognition of the following:

A. The Department of Defense is the single lead agency for the accomplishment of detection and monitoring of suspected aerial and

maritime transit of illegal drugs into the U.S. As such, DoD has the responsibility to conduct detection and monitoring activities and to coordinate and integrate the multiagency effort.

B. The DoD, U.S. Coast Guard, U.S. Customs Service, and the intelligence agencies will be jointly responsible for determining illegal drug detection and monitoring requirements. The law enforcement agencies will play a major role in establishing detection and monitoring requirements. The responsibility for the drug interdiction program, exclusive of detection and monitoring for which DoD has responsibilities as annotated above, will remain with law enforcement agencies.

C. The successful accomplishment of this difficult task is dependent in large part upon effective coordination between all involved. To that end, U.S. Coast Guard and the U.S. Customs Service will designate representatives to serve as liaison officers with military staffs to facilitate continuous coordination. In addition, DoD will assign personnel to law enforcement Command, Control, Communications and Intelligence Centers to facilitate effective communications between all involved and to ensure positive hand-off of suspected vessels and aircraft.

D. Other agencies will provide detection and monitoring assets as requested by DoD to the extent possible. They will also play a major role in determining detection and monitoring requirements and submit these determinations to the appropriate DoD element for coordinated response.

E. DoD elements will keep the United States Coast Guard and the Customs Service advised of action contemplated on all detection and monitoring requirements.

F. In order to effect an interactive planning and execution process, it is necessary for the regional/local representatives of the aforementioned agencies to conduct continual dialogue.

G. The National Air and Maritime Interdiction Strategy and the Defense in Depth Strategy will serve as a useful basis for the development of iterative detection and monitoring surveillance plans.

H. In order to achieve the effective and efficient implementation of a detection and monitoring surveillance plan it is necessary for the signatory agencies to make available those detection and monitoring assets under their control so that they may be incorporated into a detection and monitoring plan which avoids unnecessary duplication of effort. Non-DoD detection and monitoring

assets will be made available for finite periods as pre-agreed between DoD and affected agencies on a case-by-case basis.

I. The success of this effort is largely dependent upon mutual trust and understanding between all involved. this spirit must be conveyed to the regional/local representatives of the signatory agencies to assist in fostering the necessary cooperation and coordination at the operational level to effect real improvement in the detection and monitoring aspects.

J. Conflicts arising between agencies in the implementation of this agreement will be resolved at the lowest possible operational or management level, or referred through appropriate channels for resolution.

K. This understanding becomes effective upon signature. Proposals for modification or rescission of this understanding will be subject to consultation by all signatories.

DoD Stephen G. Olmsted JCS Howard Kelly

USCS Mike N. Lee USCG Paul Yost Jr.

Drug Interdiction Lead Agency Role

Memorandum of Understanding

U. S. Coast Guard
U. S. Customs Service

May 11, 1987

Article I - General Information

The United States Coast Guard (USCG) and the United States Customs Service (USCS) share much of the responsibility for the enforcement of Federal statutes related to the interdiction of contraband drugs. The prevention of the introduction of such drugs into the United States requires the joint efforts of both parties to this memorandum along with the cooperation of other Federal, state and local law enforcement entities.

Article II - Stimulus for Agreement

The DoD Authorization Act of 1987 requires in part, that the President submit to the Congress within 180 days of the enactment of the statute, a comprehensive program designed to interdict aircraft, vessels and vehicles carrying illegal drugs into the United States. This requirement has prompted a review of the existing roles of the federal agencies involved and is the stimulus for this agreement.

Article III - Purpose

The parties have entered into this Agreement to:

1. Promote a cooperative effort to interdict drugs; and

2. Resolve differences related to the designation of lead agencies in various facets of interdiction.

Article IV - General Responsibility of Agencies

1. The USCG and USCS will work closely with each other in the national interest. They will actively support each other, consistent with resource and jurisdictional limitations.

2. It is anticipated that most actual planning and execution of operational efforts will be accomplished at the USCG Area or District and USCS Field Organizational Levels.

3. Nothing in this agreement is intended to restrict the authority of either agency to enforce federal laws.

4. The Lead Agency in the Land, Air and Maritime Blocks respectively is the agency responsible for the development, implementation and coordination of these activities. This designation does not connote exclusive responsibility nor command and control of the resources of any other agency.

Article V - Organization

Figure (1) is an organization chart depicting the lead agency assignments covered by this agreement.

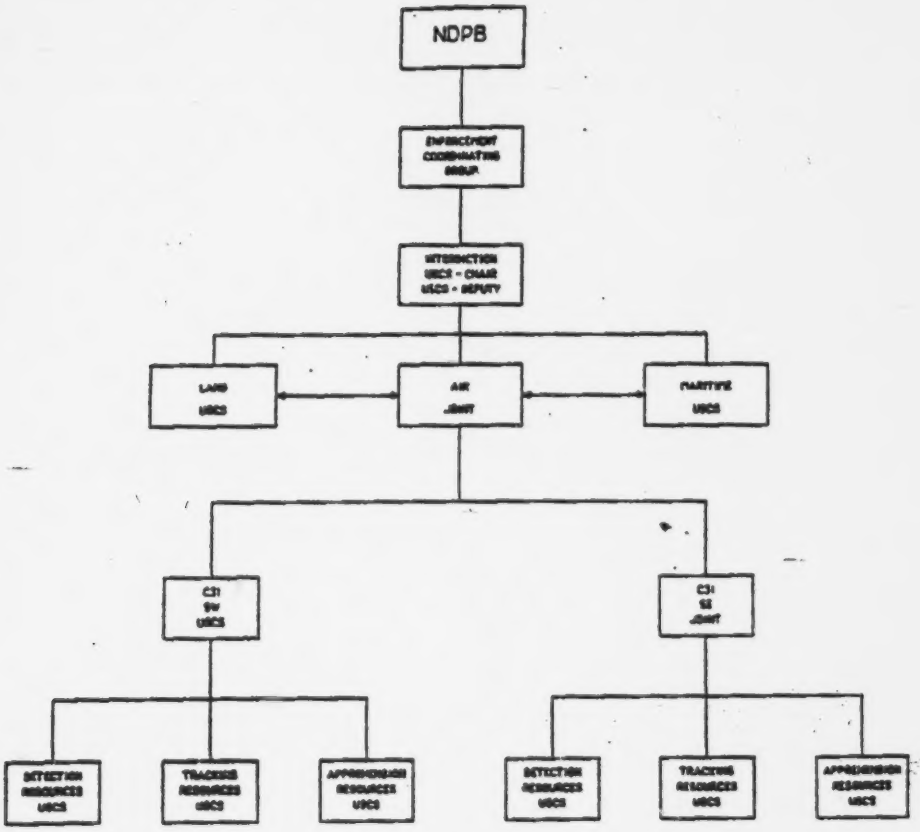

Figure 1

INTERDICTION

The USCS will permanently chair the Interdiction Block for the NDPB with Coast Guard as a permanent Deputy. This program area covers all those actions taken to identify and prevent the illegal importation of restricted and prohibited drugs into the United States. The role of the Lead Entity for Interdiction is as follows:

1. Review drug trafficking threat assessments.

2. Make recommendations to the Policy Board Coordinating Group concerning the distribution of resources, concentration of interdiction efforts, and general conduct of Drug Interdiction.

3. Develop interdiction strategies, and a general implementation plan for that strategy.

4. Establish liaison with state and local enforcement agencies for the purpose of joint operations.

5. Resolve issues between operational lead agencies.

No command or control is vested in this entity.

LAND

The USCS is the Lead agency to identify and prevent the illegal importation of restricted and prohibited drugs across a land border of the United States. The role of the Land Lead Agency is as follows:

1. Develop National and Regional Plans for Ports of Entry and Land Borders consistent with the National Strategy.

2. Acknowledge and encourage the contribution of other agencies to help meet the goals of the land plan.

3. Acknowledge the authority of all other agencies to carry out routine operations consistent with the objectives of the land plan, and the legal jurisdiction of that agency.

4. Coordinate the execution of the National and Regional Plans through the field organizations of own and support agencies.

5. Coordinate as necessary with the other lead agencies to meet the goals of the national strategy.

6. Coordinate all multi-agency operations.

7. Task the C3I Centers as necessary to provide adequate air interdiction support.

MARITIME

The USCG is the lead agency in the interdiction of illegal drugs in the Maritime Area from the shoreline seaward. The role of the Maritime Lead Agency is as follows:

1. Develop National and Regional maritime interdiction plans consistent with the national strategy.

2. Acknowledge and encourage the contribution of other agencies to help meet the goals of the maritime plan.

3. Acknowledge the authority of all other agencies to carry out routine operations in the maritime area, consistent with the objectives of the maritime plan, and the legal jurisdiction of that agency.

4. Coordinate the execution of the National and Regional Plans through the field organizations of own and support agencies.

5. Coordinate as necessary with the other lead agencies to meet the goals of the national strategy.

6. Coordinate all multi-agency operations in the Maritime area.

7. Task the C3I centers as necessary to provide adequate air interdiction support.

The USCS jurisdiction is clearly recognized in the 12 mile contiguous zone. The current USCS inventory of vessels is recognized as substantial assets to be used within the contiguous zone. Blue Lightning Operations Centers (BLOCS) shall coordinate their operations with Coast Guard District Operation Centers to facilitate the optimum coordination of surface operations and avoid mutual interference.

Enforcement activities on the high seas outside the contiguous zone is clearly recognized as a Coast Guard operation. This may be augmented by support assets such as Law Enforcement Detachments (LEDETs) on U.S. Navy vessels, cooperative arrangements with vessels of foreign nations and special arrangements to facilitate other agencies' support, such as the current arrangement allowing USCS to patrol the high seas between Bimini and the Florida coast.

AIR

The Air block is unique for many reasons resulting in a JOINT responsibility for leadership. Airspace not only exists over the land and sea with the consequent requirements for coordination of activities with both these lead agencies, it also is an interdiction environment of its own. The expertise of both agencies is required and the time and distance factors involved demand the centralized command and control centers C3I (SW) and SE). The Air Block on Figure (1) represents the Washington, D.C. headquarters influence and oversight of the two agencies. Their role is:

1. Develop an air interdiction plan based on the national strategy.

2. Seek the assistance of other support agencies, especially DoD.

3. Distribute agency resources so as to optimize the air interdiction plan's potential for success.

4. Remain aware of the air interdiction needs of both the Land and Maritime lead agencies as reflected in their National and Regional plans and blend those needs into the Air Interdiction Plan.

C3I CENTERS (BOTH)

The C3I Centers are the operational nerve centers for air interdiction. They control the routine daily business by utilizing the resources provided from the Detection, Tracking and Apprehension blocks in such a manner as to optimally prosecute the cases at hand.

C3I CENTER SOUTHWEST

Due to the concentration of land border with Mexico, in this area the C3I SW is a USCS operation. USCS shall be designated as lead agency for all aspects of Air operations in the SW and will provide resources to the C3I SW.

C3I CENTER SOUTHEAST

This Agreement reaffirms the JOINT Command and Control of C3I Center South East. In this most crucial high volume center the joint manning, rotating command and the operational parameters listed in the 16 March Agreement are reaffirmed here.

1. Customs will command the Southeast C3I Center until 30 June 1989 with two year rotation thereafter. Deputy will be other Agency between Customs and USCG.

2. The C3I Center will have operational control of all assets chopped to the Center, including other federal, state, and local assets.

3. All C3I Center operational staff will be provided on a 50-50 basis. Senior operational positions are to be evenly split between Customs and USCG.

** TOTAL PAGE.008 *

4. Surface operations Command Centers will remain under Agency control. Agency surface interdiction operations will be coordinated with the C3I Center. For specific operations, surface units may be chopped to the C3I Center.

5. Each agency agrees to devote significant air and surface assets to be commanded from the C3I Center.

The three blocks under the C3I Southeast are defined as the lead providers of air resources to the C3I Southeast. There is no command or control inherent in these blocks.

DETECTION

The USCG is designated the lead agency to provide detection assets to the C3I Center Southeast. Inherent in this responsibility will be the coordination and utilization of all surveillance assets capable of detecting airborne drug smugglers. These include the two E2C's on loan to the USCG from the USN, the aerostats at Georgetown, Cudjoe Key and Patrick AFB as well as all future detection assets deployed to the Southeast, including additional F/W AWACS platforms that become available from the USCS when no longer required to support the C3I Southwest. This should occur when the aerostats and the modified P3A's are in place along the Southwest border. The Coast Guard is willing to take over those assets at a time mutually agreeable to both agencies.

TRACKING

The USCS is designated the lead agency to provide tracking assets to the C3I Southeast. This adjusts the December 18, 1986 NDEPB decision because the block designation has been changed to reflect a resource provision role, not an operational role.

Both agencies are committed to dedicating significant tracking assets to the C3I Center Southeast. For the Coast Guard, this commitment is limited to eight (8) HU-25 Falcons for use as tracker/interceptors.

APPREHENSION

The USCS is designated the lead agency to provide apprehension assets to the C3I Center Southeast.

William Rad.
Commissioner of Customs. 6

P. A. YOST
Admiral, U.S. Coast Guard
COMMANDANT

DEPARTMENT OF THE TREASURY
WASHINGTON

ASSISTANT SECRETARY

INFORMATION MEMORANDUM FOR THE SECRETARY

INFORMATION

MEMORANDUM FOR SECRETARY BRADY

DEPUTY SECRETARY

FROM: SALVATORE R. MARTOCHE
ASSISTANT SECRETARY
(ENFORCEMENT)

SUBJECT: Customs Service/Coast Guard Command, Control, Communications and Intelligence (C3I) Center Relationship

I. SUMMARY:

The purpose of this memorandum is to apprise you of impending adjustments to the agreements previously reached with the Coast Guard for operations at the Richmond Heights, Florida, C3I Center.

II. DISCUSSION:

The terms and conditions of the joint operating arrangement at Richmond Heights are contained in a May 11, 1987, Memorandum of Understanding (MOU) between the U.S. Customs Service and U.S. Coast Guard. The document was ratified by the National Drug Policy Board on May 22, 1987. A brief synopsis of the memorandum's provisions is attached.

The Customs Service Chief Counsel has determined that this May 1987 MOU incorporated language which conflicts with the 1989 National Defense Authorization Act, Public Law 100-456, September 29, 1988. This Act provides that "the DoD shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States." The Chief Counsel's determination is that the 1987 MOU is no longer legally sufficient and a new MOU must be drafted in coordination with DoD and the Coast Guard. I have also enclosed a copy of the Chief Counsel's memorandum for your reference.

Customs Service has been the Director of the Richmond Heights C3I center since its inception. The 1987 MOU calls for the Coast Guard to assume its two year directorship of this center on July 1, 1989.

We want your support in not rotating the position of Director, C3I at Richmond Heights. When the 1987 MOU was originally prepared, the Coast Guard was the lead agency for drug detection; they no longer perform that role, DoD does. Further, apart from the legal sufficiency consideration, the MOU should no longer be relevant in any case. Conditions have changed; agency roles and responsibilities have changed.

Customs Service conceived, designed, funded ($34 million) and implemented the Richmond Heights center. Customs commands and controls all of its resources out of these centers. These resources include all of the interceptor/tracker and apprehension aircraft providing a continuous interdiction alert force capability out of four operating branches and three associated aviation units located east of the Mississippi River. This represents a force of 56 interceptor/apprehension and support aircraft. The Coast Guard, on the other hand, is limited to an aircraft fleet of eight Falcon interceptor and two E-2C detection aircraft. Customs should continue in its role as Director, C3I Richmond Heights.

Although the Commissioner has not had an opportunity to meet with the Coast Guard Commandant on this issue due to foreign travel, I want to alert you that Admiral Yost does not share the Customs views. I understand that he has expressed his disagreement to Secretary Skinner and that you may be approached by the Transportation Secretary. We would appreciate your personal support to the Customs viewpoint on this most important initiative.

Attachments

MAY 11, 1987
MEMORANDUM OF UNDERSTANDING
BETWEEN U.S. CUSTOMS AND U.S. COAST GUARD
PROVISIONS:

ASSIGNS "LEAD AGENCY" ROLES FOR LAND, AIR AND MARITIME INTERDICTION BLOCKS

U.S. CUSTOMS SERVICE IS LEAD AGENCY FOR LAND

COAST GUARD IS LEAD AGENCY FOR MARITIME INTERDICTION

U.S. CUSTOMS AND COAST GUARD SHARE (JOINT) LEAD AGENCY FOR AIR INTERDICTION

PRIMARY/LEAD RESPONSIBILITY FOR AIR INTERDICTION AS FOLLOWS:

	EASTERN U.S.	WESTERN U.S.
DETECTION:	U.S. COAST GUARD	U.S. CUSTOMS
TRACKING:	U.S. CUSTOMS	U.S. CUSTOMS
APPREHENSION:	U.S. CUSTOMS	U.S. CUSTOMS

COAST GUARD AND CUSTOMS JOINTLY MAN C3I - EAST

UNITED STATES GOVERNMENT
Memorandum

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

DATE: APR 17 1989

FILE: EN-89-1333
CC:REH

TO : Assistant Commissioner
Office of Enforcement

FROM : Chief Counsel

SUBJECT : Fiscal Year 1989 National Defense Authorization Act Language

This responds to your request for a determination regarding the legal sufficiency of the Memorandum of Understanding between the Customs Service and the Coast Guard, dated May 11, 1987, in light of the above Act's language.

Section 1102(a) of the 1989 National Defense Authorization Act (the Act), Public Law 100-456, September 29, 1988, provides that "[t]he Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States." As you noted in your memorandum, the legislation in section 1102(b) provides that the President could designate another agency as single lead agency within fifteen days after its enactment, however, the President did not choose this option.

The House Conference Report accompanying this bill (H.R. 4481) states that the DOD must plan and budget, on an annual basis, for the effective detection and monitoring of all potential air and sea threats to national security. The Report also states that as lead agency, the DOD will coordinate all air and sea surveillance activities of the federal government, including the elimination of unnecessary duplication. Congress intended that minimizing the duplication of assets and efforts by civilian law enforcement agencies would allow these agencies to focus on the law enforcement activities for which they are trained and equipped. The Report states that the "DOD role as lead agency will be to conduct and coordinate detection and monitoring activities, but the responsibility for the drug interdiction program will remain with civilian law enforcement agencies."

Section 1103 of the Act charges the Department of Defense (DOD) with integrating the command, control, communications and technical intelligence assets that are dedicated to the interdiction of illegal drugs into an effective communications network. The House Conference Report states that the "role for DOD in this endeavor is to provide technical advice and experience in establishing and operating a communications network that provides command, control and intelligence information. It does not place DOD in a command role, nor does it provide authority for the armed forces to engage in domestic intelligence gathering activities."

The present MOU between the Customs Service and the Coast Guard designates lead agency roles for various facets of drug interdiction. The designation of lead agency roles in the current MOU was made pursuant to the DOD Authorization Act of 1987. Please note that the scope of the MOU is somewhat broader than those facets of drug interdiction affected by the new DOD law (e.g., the DOD law affects only detection and surveillance of maritime and aerial transit). The present MOU designates the Customs Service as lead agency for drug interdiction involving all land borders. The Coast Guard is designated as lead agency for interdiction in the maritime areas. The MOU designates responsibility for air operations to both agencies. Customs has responsibility for the command, control, communications, and technical intelligence facility (C3I) in the Southwest. The present MOU designates joint command and control of the C3I center in the Southeast. Pursuant to the MOU, the Coast Guard is to take command of the SE C3I July 1, 1989. As for providing detection assets C3I center in the Southeast, the Coast Guard is charged with this responsibility. The Customs Service is designated the lead agency to provide tracking assets to the C3I SE; this is a resource provision role, not an operational role.

The DOD's new detection and monitoring role will include guidance on the specific force levels and supporting resources to be made available for the air and sea surveillance responsibilities related to drug interdiction. It is clear that while the new law envisions a change in agency responsibility for the coordination in the detection and surveillance of aerial and maritime transit of drugs, there is no change with regard to civilian law enforcement agency responsibility for the actual searches, seizures and arrests. We believe that since the present MOU is predicated on Customs and the Coast Guard sharing the lead role for the interdiction of illegal drugs, parts of the MOU relating to air and sea detection and surveillance have been superseded by the new DOD legislation, enacted after this MOU was completed. In sum, the MOU incorporates language which conflicts with the Act and does not incorporate language which the DOD Act envisions.

Conceivably, many aspects of the MOU could be still be performed under the new lead agency role of DOD. However, many practical and policy issues must be resolved among the respective agencies. A meeting with the Coast Guard and DOD for the purpose of exploring steps to implement the Act is necessary. A new MOU would need to be drafted in coordination with DOD and the Coast Guard.

If there are any questions concerning this matter, please contact Ruth Hansell of my staff at 566-2482.

Michael T. Schmitz

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
WASHINGTON

REFER TO

FEB 11 1985 MAN-1 IA:I

Dear Mr. Chairman:

On May 22, 1984, I had the pleasure of appearing before your committee to discuss Customs initiatives in the area of Federal drug interdiction. As you may recall, I reported on several new developments, including the establishment of our marine module concept.

Although my oral testimony in this matter was candid and accurate, I now regret to inform you that my written testimony was partially incorrect. In written testimony submitted for the record, I inaccurately described a vessel seizure made in 1983 by one of our marine modules. I reported that the suspect vessel "Westwind" was located by a Customs tracker vessel using radar and infrared equipment. I have recently learned that such radar target acquisition never occurred.

The suspect vessel "Westwind" was located visually by marine module personnel aboard an interceptor vessel. The radar tracker vessel was in the general vicinity and ultimately reached the interdiction site and assisted in the search of the suspect vessel. The "Westwind" was found to contain 727 pounds of cocaine hidden in a secret compartment.

The intent of my testimony regarding the "Westwind" seizure was to illustrate the capabilities of our marine module concept. Since the "Westwind" seizure in 1983, the capabilities of the marine module have been greatly enhanced. By interfacing our tethered aerostat systems, our land-based radars, and our airborne surveillance systems, we have increased the usefulness and efficiency of our offshore marine modules. Our post-testing operations with these modules have clearly demonstrated their potential in detecting, tracking, and intercepting suspect vessels in Customs waters.

I sincerely regret that the method of target acquisition in the "Westwind" matter was inaccurately reported to your committee. The reporting error was apparently the result of poor staff communications, a condition which I intend to remedy immediately.

I welcome the opportunity to meet with you again to discuss this or other matters of mutual interest.

Yours faithfully,

Alfred R. De Angelus

Alfred R. De Angelus
Deputy Commissioner

The Honorable
Charles B. Rangel, Chairman
Select Committee on Narcotics
Abuse and Control
House of Representatives
Washington, D.C. 20515

COPY

Memorandum

U.S. Department of Transportation
United States Coast Guard

Subject: ACTION: U. S. CUSTOMS SERVICE ATTEMPT TO ABROGATE AIR INTERDICTION AGREEMENT

Date: April 7, 1989

From: Admiral P. A. Yost
Commandant, U. S. Coast Guard

Reply to Attn of: CAPT DENNIS
X71890

To: The Secretary
Thru: The Deputy Secretary Designate

BACKGROUND:

We briefly discussed my concern that Commissioner von Raab would renege on an agreement he and I executed, specifically the joint management of the C3I Center which is located on the CG Communications Station property in Miami. The text is included as attachment (1).

In fact, while you and I were in Alaska, the U. S. Customs Service (USCS) Assistant Commissioner for Enforcement formally proposed an abrogation of this agreement placing Customs in perpetual command of the C3I. Commissioner von Raab is not the sole proponent of this change. Resistance to a Coast Guard command role is deeply layered in the Customs Air organization.

A National Air Interdiction Strategy validated at the Cabinet level was consistent with the CG/CS 11 May 1987 MOU. The Strategy coordinates effort along the following principles:

a. Air interdiction would be divided along functional lines with Coast Guard being primarily responsible for over water detection; we would share interception and tracking, and Customs would handle apprehension.

b. We would jointly command the new C3I Center on a rotational basis beginning with USCS in 1987 and the USCG taking over in July, 1989.

c. As Coast Guard was to be the over water detection agency, the E2C "Hawkeye" aircraft, which Congress had allocated two to each, USCS and USCG, would all come to the Coast Guard "when the aerostat and the modified P3A's are in place along the Southwest Border."

Language similar to paragraph 'c' above was inserted in the Senate report by Senator DeConcini which accompanied the FY 1989 Treasury, Postal Service and General Government Appropriation Bill. This report also directed Customs to maintain "operational control of the C3I Center with the Coast Guard as presently planned and approved through memorandum of understanding between the two agencies." This report was dated June 17, 1988 (see attachment 2). The MOU we recently signed with CJTF4 accommodates paragraph 'a' and 'b' above (see attachment 3). I signed this MOU only after conferring with Commissioner von Raab.

SUBJ: ACTION: U. S. CUSTOMS SERVICE ATTEMPT TO ABROGATE AIR INTERDICTION AGREEMENT

DISCUSSION:

The C3I Center will be commissioned April 28. Commissioner von Raab wants to abrogate the May 11 agreement in two ways: (1) Exercise perpetual command of the C3I Center. (2) Redefine the manner in which our mutual air interdiction mission is described.

Their stated reasons are: (1) Now that DoD is by law the lead detection agency (as well as monitoring), the Coast Guard's detection role has been subsumed into the DoD arena. (2) Customs has invested more assets in the Air Interdiction program and "it just doesn't make good sense to turn over command and control of C3I to the Coast Guard." (3) Attempts at integration in Miami at the existing C3 facility haven't worked. Their answer is single agency, USCS, management.

I strongly disagree with this specious logic. This last minute effort to undo a two year old agreement is a breach of faith. I intend to fight this and want and need your support. This is an Executive Branch problem but is unlikely to remain one. The last thing William Bennett needs is a fight in Congress and in the press between USCS and USCG (See attachment 4).

RECOMMENDATION:

I suggest you go to Secretary Brady and have him put the lid on Customs Service turf wars so that I don't have to do battle.

Help!

The Secretary

APPROVED: _____

DISAPPROVED: _____

DATE: _____

Attachments (1) USCG/USCS MOU DTD 11 MAY 87
(2) CONGRESSIONAL REPORT OF 17 JUNE 88
(3) USCG/CJTF4 MOU DTD 10 MAR 89
(4) Newsweek 10 April issue pa 24-26

United States General Accounting Office

GAO

Report to Congressional Requesters

June 1989

DRUG SMUGGLING

Capabilities For Interdicting Private Aircraft Are Limited and Costly

Printed copies of this document will be available shortly.

GAO/GGD-89-93

GAO Form 171 (12/87)

GAO

United States
General Accounting Office
Washington, D.C. 20548

General Government Division

B-230748

June 9, 1989

Congressional Requesters:

The National Defense Authorization Act for Fiscal Years 1988 and 1989 requires us to review the capabilities of the federal government to deter drug smuggling.

This is the last of three reports in response to that requirement. This report discusses several aspects of federal efforts to interdict drug smugglers using private aircraft to bring drugs into the United States.

We are sending copies of this report to the Director, Office of Management and Budget; the Director of National Drug Control Policy; the Attorney General; the Secretaries of Defense, Treasury, Transportation; and other agencies involved in drug enforcement programs. We will make copies available to others upon request.

The major contributors to this report are listed in the appendix. If you have any questions on this report, please call me on 275-8389.

Arnold P. Jones
Director
Administration of Justice Issues

21-343 0 - 89 - 6

B-230748

List of Requesters

The Honorable Robert C. Byrd
Chairman, Committee on Appropriations
United States Senate

The Honorable Sam Nunn
Chairman, Committee on Armed Services
United States Senate

The Honorable Joseph R. Biden, Jr.
Chairman, Committee on the Judiciary
United States Senate

The Honorable Claiborne Pell
Chairman, Committee on Foreign Relations
United States Senate

The Honorable Joseph R. Biden, Jr., Chairman
The Honorable Alfonse M. D'Amato, Co-Chairman
The Honorable Dennis Deconcini
The Honorable Alan J. Dixon
The Honorable Bob Graham
The Honorable Frank H. Murkowski
The Honorable Pete Wilson
Caucus on International Narcotics Control
United States Senate

The Honorable Jamie L. Whitten
Chairman, Committee on Appropriations
House of Representatives

The Honorable Les Aspin
Chairman, Committee on Armed Services
House of Representatives

The Honorable Dante B. Fascell
Chairman, Committee on Foreign Affairs
House of Representatives

The Honorable Jack Brooks
Chairman, Committee on the Judiciary
House of Representatives

The Honorable Charles B. Rangel
Chairman, Select Committee on
Narcotics Abuse and Control
House of Representatives

EXECUTIVE SUMMARY

PURPOSE

Federal efforts to control airborne drug smuggling have increased dramatically during the 1980s. These efforts, known as air interdiction programs, are aimed at smugglers using private aircraft to transport illegal drugs from foreign countries (primarily cocaine and marijuana from Latin America and the Caribbean) into the United States. Federal spending on air interdiction programs increased from about $18 million in 1982, to an estimated $200 million in fiscal year 1989. As required by Section 1241 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180), GAO assessed federal capabilities for controlling airborne drug smuggling into the United States. (See pp. 10-11 and 22-23.)

BACKGROUND

When GAO did this review, Customs and Coast Guard shared responsibility for detecting, identifying, and pursuing airborne drug smugglers; Customs had primary authority for apprehending these smugglers and seizing their drug loads. The Department of Defense (DOD) supported Customs and Coast Guard by providing airborne radar coverage of drug smuggling routes. The National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), enacted on September 29, 1988, designated DOD as the single lead agency for detecting and monitoring aerial and maritime transit of drugs into the United States. The act also required the President to submit plans for DOD's integration of a communications network for drug interdiction efforts and for the operation of this network. (See p. 11.)

Customs and Coast Guard attempt to interdict airborne drug smugglers through a four-step process: (1) using radar to detect suspicious aircraft; (2) dispatching an interceptor aircraft to confirm suspicions that an aircraft is involved in drug smuggling; (3) employing tracker aircraft to follow the suspect aircraft to its destination; and (4) using a helicopter or other aircraft staffed with law enforcement officers to stop the suspect aircraft when it lands, detain the crew, search the aircraft, and, if appropriate, arrest the suspect(s) for drug smuggling and seize any illegal drugs. Customs and Coast Guard frequently use intelligence

from informants and investigations to plan interdiction operations in advance. (See pp. 20-22.)

RESULTS IN BRIEF

Air interdiction programs have resulted in the seizure of substantial amounts of drugs. For example, about 28 tons of cocaine were seized through these programs in 1987. However, these seizures and those from other interdiction programs are small compared to the amounts successfully smuggled into the United States. (See pp. 24-26.)

Gaps exist in the radar coverage that the present air interdiction detection network provides. In addition, all radar detection systems have inherent technical constraints that limit their ability to detect the small aircraft typically used to smuggle drugs. Drug smugglers can exploit these vulnerabilities, although the extent to which they can is unclear. Customs and Coast Guard have been able to respond to most radar detections of suspected air smugglers, but most aircraft they pursue turn out not to be engaged in smuggling. GAO's analysis of Customs data shows that about 10 percent of air interdiction missions in fiscal years 1987 and 1988 resulted in seizures. (See pp. 27-30, 40-45, 48-52, and 57.)

Planned deployments of additional radar systems will improve detection capabilities. However, even if fully implemented, the planned systems would not provide constant coverage due to downtime caused by maintenance and weather. Improvements in command, control, communications, and intelligence systems (C3I) may also enhance the effectiveness of the air interdiction detection network. The impact of DOD's new responsibilities for detection and C3I integration is not yet known. (See pp. 45-48 and 53-55.)

Previous GAO reports have noted the need to address the Nation's drug abuse problem through a centralized and comprehensive approach. Such an approach should address both the supply of illegal drugs and the demand for them. To date, neither the administration nor Congress have been able to commit sufficient funds to adequately deal with both

aspects of the drug problem. Consequently, it is critical that resources be allocated on the basis of where they will be most effective. Because of insufficient data, these decisions will not be easy. Nevertheless, GAO is not convinced that spending additional millions of dollars on air interdiction programs is the most effective use of the limited additional resources Congress and the administration want to put into the war on drugs. (See pp. 11-12 and 58.)

GAO'S ANALYSIS

Air and Other Interdiction Programs Have Not Reduced Drug Supply

Customs averaged about five interdictions of drug smuggling aircraft a month over the fiscal year period 1983-1987. In 1987, about 55,000 pounds of cocaine and 175,000 pounds of marijuana were seized from private aircraft. Many of these seizures, however, were by-products of undercover law enforcement operations in which federal agents allowed drug smuggling operations to take place to arrest key drug traffickers and disrupt the operations of drug trafficking networks. In fiscal year 1988, about 54 percent of the cocaine and 41 percent of the marijuana seized by Customs' Miami Aviation Branch came from aircraft involved in deliveries controlled by federal agents. (See pp. 24-26 and 40.)

Despite substantial seizures from air and other interdiction programs, the availability of cocaine has not been reduced. According to the Drug Enforcement Administration (DEA), cocaine prices in recent years have declined significantly while cocaine purity has remained high, indicating increased availability. (See pp. 25-26.)

Current and Planned Air Interdiction Radars

All radars have inherent limitations that restrict their ability to detect and identify airborne drug smugglers. Each radar has advantages and

disadvantages in terms of size of the area it can cover, its ability to identify suspect smugglers, and its susceptibility to weather. (See pp. 27-38.)

The principal radar networks currently used to detect airborne smugglers are five radars attached to tethered balloons (known as aerostats) located in South Florida, the Bahamas, and on the U.S.-Mexican border. A single aerostat costs between $11.8 million and $22.8 million. Aerostats must be taken down for maintenance and also cannot operate in severe weather. Consequently, current aerostats are operational only about half of the time. (See pp. 31, 40-43, and 47.)

Radar coverage provided by these networks is augmented by radar aircraft and other radars operated by Coast Guard, Customs, and the military; land-based military defense radars located on Caribbean islands; and Federal Aviation Administration (FAA) air traffic control and military defense radars along the U.S. border. Despite the extent of these radars, there are currently gaps in radar coverage. (See pp. 32 and 41-44.)

The current federal air interdiction strategy includes plans to expand the existing aerostat detection network to 16 aerostats, providing some radar coverage for most of the U.S. southern border. The strategy also includes plans to acquire two more long-range radar aircraft (Customs and Coast Guard currently operate nine radar aircraft dedicated to drug interdiction). The estimated cost of acquiring the six aerostats not already funded and two long-range radar aircraft is at least $124 million. (See pp. 45-48.)

Customs and Coast Guard have plans for coordinating air interdiction detection activities. Customs is developing a C3I system to coordinate radar detections and intelligence on drug smuggling activities with air interdiction response aircraft. The system, which is still evolving, will cost over $50 million, and its impact cannot yet be determined. As of May 1989, DOD was beginning to carry out new air interdiction responsibilities

designated under the National Defense Authorization Act, Fiscal Year 1989. (See pp. 53-55.)

MATTERS FOR CONGRESSIONAL CONSIDERATION

Decisions about providing funds for additional air interdiction efforts should not be made without considering whether these funds could be put to more effective use on some other aspect of the Nation's war on drugs. GAO is not convinced that spending more on air interdiction is the best use for additional funds. There are insufficient data, however, to draw a definitive conclusion as to how funds can best be spent fighting the war on drugs. Accordingly, the appropriate congressional committees may want to pursue the issue further with key administration officials before deciding on specific authorization and appropriation levels for all aspects of the war on drugs. (See p. 58.)

AGENCY COMMENTS

GAO did not obtain written comments on this report. However, GAO discussed the information contained in the report with Customs, Coast Guard, and DOD officials and included their comments and clarifications in the report where appropriate. Customs said that this report inferred that air interdiction is not cost effective. Although the cost effectiveness of air interdiction programs cannot be established due to insufficient data, GAO believes that sufficient data are available to raise questions as to the amount of funds that should be spent on such programs in relation to other drug control efforts. (See pp. 14 and 58.)

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ABBREVIATIONS

AEW	Airborne Early Warning
AOR	Aviation Operations Report
AWACS	Airborne Warning and Control System
C3I	Command, Control, Communications, and Intelligence
CRS	Central Radar System
DEA	Drug Enforcement Administration
DOD	Department of Defense
EPIC	El Paso Intelligence Center
FAA	Federal Aviation Administration
IFF	Identification Friend or Foe
JSS	Joint Surveillance System
NNBIS	National Narcotics Border Interdiction System
NNICC	National Narcotics Intelligence Consumers Committee
NORAD	North American Air Defense
OTA	Office of Technology Assessment
OTH-B	Over-the-Horizon Backscatter
R-OTH	Relocatable Over-the-Horizon

CHAPTER 1

INTRODUCTION

This report discusses our assessment of the federal government's capabilities to control airborne drug smuggling. It is the third and last in a series of reports responding to the requirements of section 1241 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180). Section 1241 required us to review the smuggling of illegal drugs into the United States and the capabilities of federal agencies to deter such smuggling. Two previous reports that we issued pursuant to section 1241 dealt with the role of the military in controlling drug smuggling.[1]

AIR INTERDICTION

Air interdiction is one of several drug interdiction programs with a principal objective of controlling illegal drug smuggling into the United States. The primary goal of all interdiction programs is to deter drug smuggling, and thereby reduce the availability of imported drugs by intercepting and seizing (interdicting) illegal drug shipments coming into the United States. During fiscal year 1988, about $1 billion of the approximately $3.8 billion spent by the federal government on anti-drug abuse efforts was used for interdiction programs.

Air interdiction programs are aimed at smugglers using aircraft to bring drugs into the United States. Air interdiction efforts focus on small, privately owned aircraft (also known as general aviation aircraft) as opposed to aircraft operated by commercial passenger and cargo airlines. Smugglers also use commercial airlines to smuggle drugs into this country through airports. The principal method of interdicting drugs smuggled through airports into the United States on commercial airlines is the Customs Service inspection of the aircraft and its passengers and cargo when the aircraft enters a U.S. airport.

According to the former National Drug Policy Board (Policy Board), there are several advantages to using private aircraft as smuggling vehicles. Smugglers can choose several routes to bring drugs to the United States and, because of the lack of radar coverage, avoid detection for most of the trip. Airborne smugglers can also enter the United States generally unobserved by exploiting gaps in radar coverage or physical factors, such as mountains that limit the detection capabilities of radars. Law

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[1]Issues Surrounding Increased Use of the Military in Drug Interdiction (GAO/NSIAD-88-156, April 29, 1988); Operation Autumn Harvest: A National Guard-Customs Anti-Smuggling Effort (GAO/GGD-88-86, June 2, 1988).

enforcement agencies have developed air interdiction programs to combat drug smuggling by private aircraft.

Before 1987, Customs Service was the principal federal agency involved in air interdiction efforts; the Department of Defense (DOD) assisted Customs in detecting airborne drug smugglers by providing airborne radar surveillance of areas thought to be air smuggling routes. On May 22, 1987, the Policy Board assigned Coast Guard joint responsibility with Customs for air interdiction efforts. Title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), enacted on September 29, 1988, designated DOD as the "single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States." Title XI went on to mandate "that command, control, communications, and technical intelligence assets of the United States that are dedicated to the interdiction of illegal drugs be integrated by the Secretary of Defense into an effective communications network." The act did not assign any police powers to DOD. Thus, DOD's role is still limited to providing support for civilian law enforcement functions. The federal government spent $269.5 million on air interdiction efforts in fiscal year 1987, $179.2 million in fiscal year 1988, and estimates spending $204.2 million in fiscal year 1989. These amounts do not include the costs of DOD support for drug interdiction activities.

Transition Report on Justice Issues Suggested More Emphasis on Demand

In November 1988, we issued a report on the major issues involving the Department of Justice.[2] This report was one of a series that addressed major policy, management, and program issues facing Congress and the new administration. One of the issues we believed should be included in the agenda for Congress and the Attorney General was reassessing the effectiveness of drug abuse control programs. If we measure the success of the current federal drug abuse control strategy by looking at the number of drug users and amounts of drugs entering the country, we must conclude that our present strategy--which emphasizes supply reduction--is not very effective. The dilemma is that no one knows which drug control programs are the most effective.

An increasing number of drug experts believe that the root cause of our national drug problem is the demand for illegal drugs. It is time to consider assigning more resources to activities aimed at reducing demand: treatment, prevention, education, and research on the causes and extent of drug abuse. This does not mean that efforts to control the supply of illegal drugs should

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[2]Justice Issues (GAO/OCG-89-13TR, Nov. 1988).

be reduced. They play an important role in the overall drug abuse control strategy. However, further emphasis on supply reduction programs will probably not solve the drug problem in this country.

Recognizing the need to redirect the federal drug abuse control strategy, Congress passed the Anti-Drug Abuse Act of 1988, which was enacted into law on November 18, 1988. The legislation, among other things, established in the Executive Office of the President an Office of National Drug Control Policy to establish and coordinate policies, objectives, and priorities for federal anti-drug abuse efforts. The legislation also provides for greater emphasis to programs aimed at reducing the demand for drugs.

OBJECTIVE, SCOPE, AND METHODOLOGY

Section 1241 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) required us to review several aspects of the federal government's efforts to control drug smuggling into the United States. The objective of this report is to evaluate the federal government's present and future air interdiction capabilities. Specifically, the scope of our review included assessments of (1) the technical capabilities of radars now in use or under consideration for use in detecting airborne drug smugglers (detection assets); (2) the overall capabilities of both existing and planned air interdiction detection networks; (3) the availability and effectiveness of interceptor, tracking, and apprehension aircraft (response assets); and (4) agency plans to coordinate the use of air interdiction assets. The requirement also stated that we should include any comments and recommendations that we considered appropriat

To meet our objective, we interviewed headquarters and field officials in 24 locations involved in air interdiction efforts from Customs, Coast Guard, and DOD (including the Air Force, Army, and Navy). We examined such documents as operations manuals, strategies, drug threat assessments, and intelligence reports provided by agency officials. We also reviewed air interdiction case files, radar logs, and aircraft maintenance reports at the headquarters and field locations we visited. We interviewed officials and reviewed documentation at the National Narcotics Border Interdiction System (NNBIS), the Drug Enforcement Administration (DEA), and the Federal Aviation Administration (FAA). At private sector organizations that develop radar surveillance equipment or provide consulting services relating to such equipment, we interviewed officials and obtained and examined documentation relating to radar systems. A list of the headquarters and field locations we visited is presented in table 1.1.

Table 1.1:

Offices Visited, March 1988 - January 1989

Department of Defense

Office of the Assistant Secretary (FM&P)(DP&E), Washington, DC
Headquarters, U.S. Air Force, XOORC, Washington, DC
Naval Air Test Center, Patuxent River, MD
L.G. Hanscom Air Force Base, Bedford, MA
Vint Hill Farms Station, U.S. Army, Warrenton, VA

Federal Aviation Administration

Headquarters, Washington, DC

National Narcotics Border Interdiction System

Southeast Region, Miami, FL

U.S. Coast Guard

Headquarters, Washington, DC
7th Coast Guard District, Miami, FL
Coast Guard Air Facility, Norfolk, VA
Coast Guard Air Station, Opa Locka, FL

U.S. Customs Service

Headquarters, Washington, DC
Aviation Operations Branch, Homestead (Miami), FL
Aviation Operations Branch, San Diego, CA
Aviation Operations Branch, Tucson, AZ
Aviation Operations Unit, Riverside, CA
Aviation Operations Unit, Phoenix, AZ
Aerostat Site Fort Huachuca, Sierra Vista, AZ
Office of Enforcement, Miami, FL
Office of Enforcement, Riverside, CA
Office of Enforcement, San Diego, CA
Office of Enforcement, Phoenix, AZ
Office of Enforcement, Tucson, AZ
C3 Center, Miami, FL
C3I Center, Riverside, CA
Surveillance Support Center, Corpus Christi, TX

Lockheed California Company, Burbank, CA

Westinghouse Electric Corporation, Baltimore, MD

The Mitre Corporation, Burlington, MA

In addition, we analyzed a computerized Customs data base to determine how well Customs was able to react when radar surveillance equipment detected possible air smugglers. We also analyzed the data base to determine the availability and capability of Customs response aircraft to follow through with interception, tracking, and apprehension of suspect aircraft. This data base contains data from Customs Aviation Operations Reports (AOR), prepared by Customs aviation branches, that provide information on Customs detection and response aircraft operations and air interdiction program enforcement results.[3]

We also gathered and analyzed data on Coast Guard and DOD air interdiction activities. However, the primary focus of our work was Customs Service activities since it was the federal law enforcement agency primarily involved in air interdiction until mid-1987.

Our work was done between March 1988 and January 1989 and in accordance with generally accepted government auditing standards. We did not obtain formal written comments from the agencies. However, we discussed the information in the report with Customs Service, Coast Guard, and DOD officials, who generally agreed with the facts as presented. We included their comments and clarifications where appropriate. General comments on the report are discussed on page 58.

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[3]In June 1988, Customs Service's Office of Internal Affairs issued an audit report of the Customs air program. Part of this audit assessed the reliability of the AOR data base. The Office found errors in the data base due to the lack of controls on the data, such as pilot errors in inputting data; not updating information; and no supervisory review. However, we analyzed the Internal Affairs audit team's work papers and determined that the information we used in this report was not substantially affected by data input errors.

CHAPTER 2

AIRBORNE DRUG SMUGGLING AND AIR INTERDICTION PROGRAMS

Significant amounts of cocaine and marijuana are smuggled into the United States by private aircraft, although a large volume of both drugs enters the country by other means. Smugglers have adapted to increased federal anti-smuggling efforts by adopting new methods that exploit vulnerabilities in the air interdiction system. The organization of federal air interdiction efforts is currently changing. Customs and Coast Guard are the principal civilian agencies involved in air interdiction, but in late 1988 the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), significantly expanded DOD's role in air interdiction. Air interdiction programs are costly. Budget authorizations for air interdiction programs are about $204 million in fiscal year 1989.[1] These programs have resulted in the seizure of substantial amounts of drugs, but they and other interdiction programs have not been successful in reducing the overall availability of illegal drugs to consumers.

THE AIR SMUGGLING THREAT

Illegal drugs are produced in countries throughout the world and smuggled into the United States through a complex, clandestine distribution chain. Generally, cocaine is produced in South America. Most of the marijuana available in the United States is produced in South and Central America, Mexico, and the Caribbean. However, an increasing amount, about 25 percent in 1988, of the marijuana available in this country is produced domestically, according to the National Narcotics Intelligence Consumers Committee (NNICC). Cocaine and marijuana are normally smuggled across the southern tier of the United States from Florida to California. Most heroin is produced in Southeast and Southwest Asia and Mexico and is smuggled into the United States through Atlantic and Pacific coast ports and across the southwest border. Hashish is produced primarily in the Middle East and Southwest Asia and is smuggled through South Asian ports to the northeast coast of the United States.

Air interdiction programs focus on only a portion of the drug smuggling traffic. Large quantities of drugs are smuggled into the United States by other conveyances, including marine vessels, commercial aircraft, and land vehicles. According to Customs' Office of Intelligence estimates, private aircraft transported about 19 percent of the cocaine, about 16 percent of the

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[1]These amounts do not include DOD support for Customs and Coast Guard air interdiction efforts.

marijuana, and less than 1 percent of the heroin and hashish smuggled into the United States in 1986 (the last year for which estimates were done). Customs stopped making these estimates because of flaws in the methodology it was using. However, the estimates do provide a sense of the dimensions of the air smuggling threat. Recent drug seizure data, which, according to a recent Office of Technology Assessment (OTA) report, give some indication of drug smuggling trends, show that private aircraft account for only a portion of cocaine smuggler traffic. However, more cocaine was seized from private aircraft in 1986 (48 percent) than from any other conveyance.

Small amounts of cocaine are valuable, and private aircraft present an attractive mode of transportation because large cargo areas are not required. Private aircraft are also used to smuggle cocaine into this country because of the relatively short distance between Colombia, the primary staging point for cocaine smuggling operations, and the United States. Some marijuana is smuggled into this country in private aircraft, but most marijuana is smuggled in by sea, on private and commercial marine vessels, or overland in vehicles or on pedestrians. Marijuana produced in Mexico is usually smuggled across the border in land vehicles and private aircraft. Recently, both cocaine and marijuana have been flown by private aircraft from Colombia to Mexico via Central America and unloaded at various points inside Mexico. These drugs are then shipped into the United States in aircraft and land vehicles. According to an intelligence report by DEA's El Paso Intelligence Center (EPIC), most cocaine brought into the United States from Mexico is transported in land vehicles. Private air smuggling into Mexico increased in 1988. In particular, the amount of Colombian cocaine seized en route to the United States through Mexico increased 51 percent, and drug-related aircraft crashes (an indicator of drug smuggling activity) in this area have doubled since 1987.

As interdiction capabilities have increased, particularly in the southeastern United States where there has been a major build-up of radar surveillance equipment and coverage, it appears that airborne drug smugglers have modified their smuggling methods and routes to avoid detection and apprehension. According to a recent EPIC report, drug smugglers flying drugs destined for the United States have used such methods as switching to different airports, mixing transportation modes, air dropping, or shifting to other smuggling methods. Thus, it appears that air interdiction efforts have disrupted drug smugglers' operations. However, as will be discussed on page 26, these efforts have not reduced the availability of cocaine in the United States.

An official at the Customs Miami Aviation Operations Branch stated that before the increased air interdiction efforts in the Southeast there was more private air smuggling activity. Recent intelligence from EPIC indicates that drug smugglers are using alternative routes and innovative methods of transporting their drugs instead of flying directly into the United States

illegally. Examples of various methods include: (1) flying into the Bahamas or Mexico and then bringing the drugs into the United States aboard small marine vessels or land vehicles; (2) obtaining intelligence on air interdiction capabilities and activities, such as gaps in radar coverage, and flying around the coverage; (3) adding extra fuel tanks to the aircraft, which could enable smugglers to fly from South America to the United States or nearby island nations without refueling; (4) making airdrops near or in U.S. territory, and then flying away without ever entering U.S. law enforcement jurisdiction; (5) entering the United States legally by following proper flight procedures and then attempting to bypass Customs' inspection process; (6) switching to different conveyances to avoid air interdiction efforts; (7) switching air smuggling routes to avoid the southeast area; and (8) filing a flight plan for a U.S. airport and, at the last minute, deviating from the plan to quickly unload the drugs.

Organization of the Air Interdiction Program

As of March 1989, the organization of federal air interdiction efforts was in flux. Title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), significantly expanded DOD's role in air interdiction. The act, which became law on September 29, 1988, designated DOD as the single lead agency of the federal government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. It also required the President to direct DOD to integrate into an effective communications network the command, control, communications, and technical intelligence (C3I) assets of the United States, dedicated to the interdiction of illegal drugs. As of May 1989, DOD was about to issue a report on its final plans for integrating C3I assets.

Before the enactment of Public Law 100-456, Customs and Coast Guard were jointly responsible for air interdiction efforts. DOD played a support role, including providing aerial surveillance of drug smuggling routes. In the East, Coast Guard was the lead agency for surveillance and detection; Customs was the lead for intercepting and tracking suspected airborne smugglers, with both Customs and Coast Guard furnishing interceptor and tracker assets; and Customs was the lead agency for apprehending airborne smugglers. In the West and Southwest, Customs was responsible for all phases of the air interdiction process.

Customs initiated its C3I system program because of perceived shortcomings in the command and control of its own air interdiction assets.[2] In 1986, Congress authorized funding for

[2]Drug Interdiction: Should the Customs Command and Control Program be Continued as Currently Evolving? (GAO/GGD-88-123, July 1988).

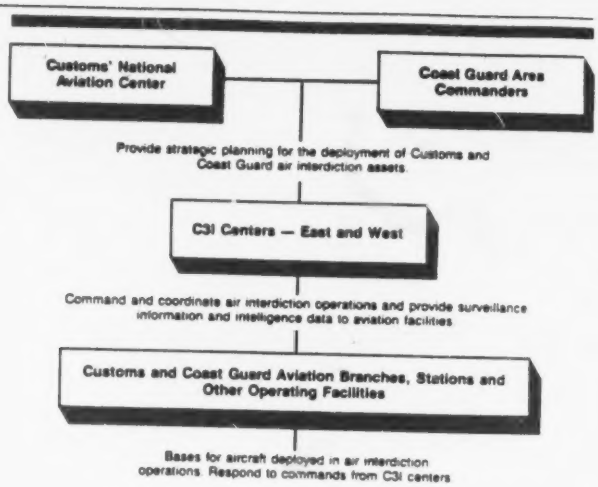
Customs to develop a command, control, communications, and intelligence program. Congress also required Customs to coordinate the development of its C3I program with Coast Guard and other relevant agencies.

As envisioned by Customs, the C3I system would be used to: (1) detect and identify suspected smugglers by using radar surveillance equipment and prior intelligence; (2) control and coordinate interdiction operations aimed at intercepting, tracking, and apprehending suspected air smugglers; (3) communicate among drug law enforcement agencies; and (4) develop anti-drug smuggling intelligence. Construction of the C3I center near Miami, Florida, (C3I East) and the C3I center at March Air Force Base, California, (C3I West) has been completed. The C3I East center is responsible for air interdiction efforts in the eastern half of the United States and the C3I West center for the western half. Customs is also constructing a national aviation center near Oklahoma City, Oklahoma, which it plans to incorporate into its national C3I system.

Previously, in Miami, Customs and Coast Guard operated a temporary command, control, and communications center (C3) until the C3I East center was completed in April 1989. This C3 center was to remain operational until the performance of the new C3I was assured. The March Air Force Base C3I West center is fully operational, although the amount of radar data feeding into it is limited. Customs and Coast Guard had planned to rotate the direction of the C3I East center between the two agencies by having the Director and Deputy Director positions alternate every 2 years between the two agencies. (The C3I West center is to be operated by Customs.) This plan may be modified depending upon the outcome of the DOD plan for C3I system integration and the President's decision about who should operate the C3I system. As of March 21, 1988, Customs anticipated the three centers would cost $50 million.

The current organization of federal air interdiction efforts is depicted in figure 2.1. Customs' National Aviation Center and Coast Guard's Area Commanders develop air interdiction operation plans, assess the drug smuggling threat, and coordinate the use of air interdiction resources. The C3I centers command and coordinate air interdiction operations and provide radar detection information and intelligence data to the facilities where response (interception, tracking, and apprehension) aircraft are stationed. Response aircraft are stationed at Customs and Coast Guard aviation branches and stations. They respond to commands from the C3I centers, which notify them when suspect aircraft are spotted by radar detection equipment, or when prior intelligence indicates that a smuggling operation is about to take place.

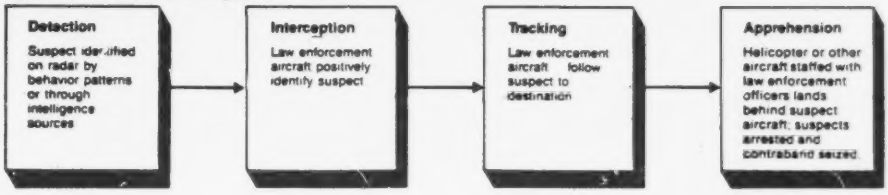
Figure 2.1: Organization of Air Interdiction Program


Customs' National Aviation Center
Coast Guard Area Commanders
Provide strategic planning for the deployment of Customs and Coast Guard air interdiction assets.
C3I Centers — East and West
Command and coordinate air interdiction operations and provide surveillance information and intelligence data to aviation facilities.
Customs and Coast Guard Aviation Branches, Stations and Other Operating Facilities
Bases for aircraft deployed in air interdiction operations. Respond to commands from C3I centers.

AIR INTERDICTION PROCESS

Figure 2.2 shows the sequential steps involved in the ideal air interdiction operation, although several variations of the steps can occur.

Figure 2.2: Air Interdiction Sequence


Detection
Suspect identified on radar by behavior patterns or through intelligence sources
Interception
Law enforcement aircraft positively identify suspect
Tracking
Law enforcement aircraft follow suspect to destination
Apprehension
Helicopter or other aircraft staffed with law enforcement officers lands behind suspect aircraft; suspects arrested and contraband seized.

Theoretically, air interdiction missions begin with the detection of an aircraft suspected of smuggling drugs destined for the United States. Interdiction agencies use radar surveillance equipment or, in some cases visual sightings by patrol aircraft, to detect aircraft heading toward the United States and then use various criteria to determine if a particular aircraft is carrying illegal drugs. As discussed on pages 25 and 26, many air interdictions involve smuggling operations that interdiction agencies knew about in advance. Interdiction agencies may, for example, decide that an aircraft is suspicious if it does not respond (using a radio receiving/transmitting device known as a transponder) to a query from a device attached to the radar surveillance equipment or if the aircraft responds with an improper transmission code (these codes help identify an aircraft). Interdiction agencies may also consider an aircraft suspicious if its flight pattern is out of the ordinary or matches that typically used by smugglers (for example, night flights in the Bahamas without a flight plan). Aircraft are also considered suspicious if the pilot has not filed a flight plan with the FAA, or if the aircraft deviates from its flight plan.

The detection phase is followed by a series of activities that can be grouped together and called the "response" phase. After an aircraft is determined to be suspicious, radar surveillance equipment is used to monitor the movements of the suspect aircraft and help direct an interceptor aircraft to physically locate the suspect aircraft. The interceptor uses information from the radar surveillance system as well as its own on-board radars and other electronic sensors to locate the plane. If the interceptor succeeds in finding the suspect aircraft, the interceptor attempts to identify the aircraft's registration number. The registration number is checked through various law enforcement data bases to determine if the suspect aircraft has been involved in previous illegal activities. If these checks confirm the initial suspicion that the aircraft is potentially carrying drugs, the interceptor or a tracker aircraft covertly follows (tracks) the suspect, watches for suspicious or illegal flight movements, and follows the aircraft to its landing or airdrop site.

The final stage in the interdiction process is apprehension. A helicopter staffed with a law enforcement arrest team eventually joins the operation. When the suspect is on approach for landing the helicopter will follow and also land. (In some situations a fixed-wing aircraft performs this function.) The arrest team will search the aircraft and, if appropriate, arrest the suspect(s) for drug smuggling and seize any contraband found.

Air interdiction efforts are aided by intelligence, which ranges from information on smuggling patterns and routes to timely tactical intelligence from informants on individual shipments. Prior information on drug deliveries plays an important role in air interdiction efforts.

According to the Policy Board's 1987 drug law enforcement strategy,[3] information on smuggling routes, modes of operation, activities in transshipment countries, and points of entry into the United States allow resources to be applied more effectively and efficiently. This type of information is developed by Customs investigators, located at the Customs air branches, and DEA agents. United States intelligence agencies also supply some intelligence pertaining to air smuggling. EPIC stores, analyzes, and disseminates information on drug smuggling activities. Prior information is particularly important in areas where there is little or no radar coverage to monitor aircraft activities, such as along the U.S.-Mexican border. In 1987, we reported that 53 percent of the total cocaine seized by Customs in 1986 resulted from cases based on prior intelligence.

Customs agents also covertly install electronic transmitting devices on suspect aircraft. These devices help to identify suspect smugglers even if they are following legitimate flight patterns. Customs currently relies on this method less than in the past, partly because smugglers search their aircraft for these devices before setting out on a smuggling operation.

AIR INTERDICTION BUDGET

The air interdiction budget has increased significantly over the past decade, as shown in table 2.1. The jump in spending for fiscal year 1987 reflects an authorization of funds for the procurement of radar detection systems and surveillance aircraft. These systems are still in the implementation phase, and the fiscal year 1987 authorization has not yet been fully spent.

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[3]National and International Drug Law Enforcement Strategy, National Drug Policy Board, January 1987.

Table 2.1:

Air Interdiction Funding: 1982 - 1989

(dollars in millions)

Fiscal year	Customs Service	Coast Guard	Total
1982	$ 17.8		$17.8
1983	26.2		26.2
1984	64.8		64.8
1985	67.2		67.2
1986	91.4		91.4
1987	200.2[a]	$69.3[b]	269.5
1988	173.2	6.0	179.2
1989	182.5	21.7[c]	204.2

[a]Reflects the additional funding authorized the Anti-Drug Abuse Act of 1986.

[b]Includes $29.7 million for Falcon interceptor jets used in air interdiction (Coastal Defense Augmentation Account FY 1987). Also includes $23 million for Falcon interceptor jets used in air interdiction (Anti-Drug Abuse Act of 1986, DOD funding).

[c]Includes $2.6 million for the southeast U.S. air interdiction facility.

Source: Customs and Coast Guard Budget Offices.

DOD does not prepare separate budget figures for the various types of interdiction support it provides, such as marine and air interdiction assistance. However, DOD's assistance to air interdiction agencies is substantial. For example, in fiscal year 1987, DOD was authorized about $330 million for air interdiction assets, including aerostats, E-2C radar aircraft, and helicopters that it procured for, or transferred to, air interdiction agencies.

The federal government has separate interdiction programs to deal with other smuggling modes, including private and commercial vessels, commercial aircraft, overland vehicles, cargo containers, and passengers or pedestrians. The federal government spent about $1.1 billion on all forms of interdiction in both fiscal years 1987 and 1988. Approximately $1.5 billion is authorized for fiscal year 1989. This $1.5 billion is about 28 percent of the $5.3 billion authorized for drug control programs in fiscal year 1989. Air interdiction composes about 13.3 percent of the authorized interdiction budget in fiscal year 1989. However, in fiscal year 1987, the proportion of total interdiction spending devoted to air interdiction was about 42 percent when DOD appropriations for large equipment acquisitions, such as aerostats, are included.

AIR INTERDICTION RESULTS

Programs aimed at interdicting drugs smuggled in private and commercial aircraft, vessels, commercial cargo, and over land have resulted in the seizure of substantial amounts of illegal drugs in recent years, but the seizures are small compared to the amounts successfully smuggled into the United States.

Interdiction efforts have not succeeded in reducing the overall availability of cocaine, marijuana, or other illegal drugs to U.S. consumers. DEA data indicate that the amount of cocaine entering the United States remains at high levels. Tables 2.2 and 2.3 show the amounts of drugs seized from private aircraft compared to seizures from other conveyances.

Table 2.2:
Cocaine Seizures by Type of Conveyance, 1986-1987
(in pounds)

Type of conveyance	1986 Amount seized	1986 % of total	1987 Amount seized	1987 % of total
Aircraft				
Private	44,564	48	55,346	36
Commercial	9,945	11	7,765	5
Vessel				
Private	21,638	23	33,750	22
Commercial	12,557	13	32,595	21
Land Vehicles	5,044	5	22,661	15
Totals	93,748	100	152,117	99[a]

[a]EPIC data did not total to 100 percent.

Source: Drug Enforcement Administration EPIC Intelligence Report.

Table 2.3:

Marijuana Seizures by Type of Conveyance, 1986-1987

(in pounds)

Type of conveyance	1986 Amount seized	1986 % of total	1987 Amount seized	1987 % of total
Aircraft				
Private	105,510	5	175,649	7
Commercial	40,565	2	22,485	1
Vessel				
Private	1,930,130	83	1,687,895	72
Commercial	89,939	4	149,606	6
Land Vehicles	146,855	6	322,557	14
Totals	2,312,999	100	2,358,192	100

Source: Drug Enforcement Administration EPIC Intelligence Report.

A large portion of Customs' air interdiction efforts involves the support of law enforcement efforts in which Customs and DEA agents make so-called "controlled deliveries" of illegal drugs. In a controlled delivery, Customs or DEA agents obtain information, usually from informants, on drug shipments destined for the United States. These shipments are then allowed to proceed. The ultimate objective is to arrest key participants in a drug smuggling organization and thereby disrupt drug trafficking networks. Controlled deliveries may not require radars to detect a smuggler's movements, since federal authorities may already be aware of the details of the smuggling operation. Seizures made during the course of controlled deliveries are included in the results of interdiction efforts reported by federal agencies.

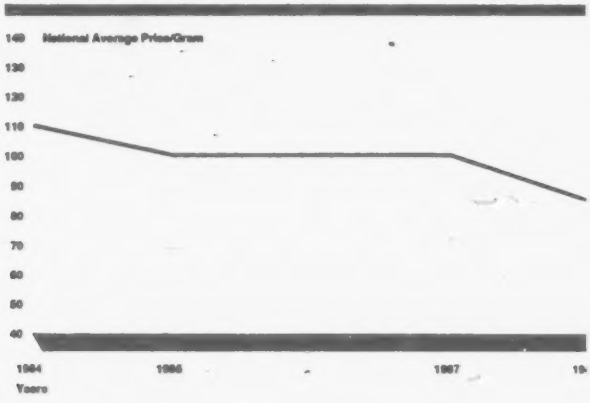
The significance of this reporting practice is reflected in the seizure statistics reported by the Miami Aviation Operations Branch for fiscal year 1988. According to a Customs official, the Miami Aviation Operations Branch was involved in seizing about 70 percent of all the cocaine seized by Customs' air interdiction programs in fiscal year 1988. In fiscal year 1988, the Miami Aviation Operations Branch reported that it participated in 57 cases that involved marijuana or cocaine seizures--38 cocaine seizures totaling 33,783 pounds and 19 marijuana seizures totaling 39,396 pounds.

According to data obtained from the Miami Aviation Operations Branch, controlled deliveries accounted for over 54 percent of the cocaine seized and 41 percent of the marijuana seized. After

controlled deliveries are accounted for, the impact of air interdiction may be less than reported.

Although air and other interdiction efforts have resulted in substantial seizures, they have not been successful in reducing the availability of illegal drugs to consumers. DEA estimates that the price of cocaine has decreased over the last 5 years, while the purity of cocaine being sold to consumers has remained high. According to DEA, recent trends indicate an overall increase in the availability of cocaine. Figure 2.3 illustrates price trends for cocaine.

Figure 2.3 Cocaine Price/Gram 1984-1988



Source: Drug Enforcement Administration Office of Intelligence

CHAPTER 3

RADAR TECHNICAL CAPABILITIES AND COSTS

Radar detection systems have inherent constraints that limit their ability to detect the small aircraft typically used to smuggle drugs. This chapter discusses the factors that limit the detection capabilities of radar systems and the technical capabilities and costs of individual radar systems for detecting airborne drug smugglers. We found wide variations in the technical capabilities and costs of the radar systems we reviewed. We also determined that no one radar system is best overall for air interdiction.

TECHNICAL FACTORS THAT LIMIT THE CAPABILITIES OF RADAR DETECTION SYSTEMS

Radars detect objects by transmitting radio waves that reflect off objects and then return to a receiving antenna. The returning radio signals are known as "echoes" and are processed through the radar receiver and displayed on a radar screen. Radar signals reflect off targets of interest, such as aircraft or ships, as well as objects that are not intended targets, including trees, mountains, and sea waves. Nontarget echoes displayed on a radar screen that add confusion to the presentation are known as "clutter," and distinguishing objects of interest from clutter is one of the principal concerns in designing an effective radar system.

For radar systems used to detect airborne drug smugglers, the amount of clutter depends primarily on the geographic characteristics of the background environment through which aircraft are flying. Mountainous terrain and high seas produce large amounts of clutter, while flat land and calm bodies of water produce less clutter. Radars, to some extent, are able to distinguish echoes produced by moving objects (such as aircraft) from background clutter produced by stationary objects (such as mountains). Fast-moving objects such as jet aircraft are easier to distinguish from stationary objects than relatively slower-moving objects such as the low-speed private aircraft typically used to smuggle drugs. Aircraft flying at high altitudes are also easier to distinguish from background clutter than aircraft flying at low altitudes--which is characteristic of airborne drug smugglers. A particular problem for radar systems is losing a target aircraft when it passes from a low clutter area to higher clutter areas. The type and directional orientation of the radar also affects the amount of clutter received. Airborne radars that look almost directly down at the ground or sea receive more echoes from clutter than land- or sea-based radars looking upward or parallel to the surface.

Modern radar systems use computers to process radar signals, and this processed information helps radar operators to more easily

track targets. The computers use an effect known as the "doppler shift" to separate echoes produced by moving objects from echoes produced by stationary objects, as well as to determine the speed and direction of the moving object. The doppler shift is the change in the frequency of the radar echo returning to the radar system that is caused by the movement of an object within the radio wave transmitted by the radar. If an aircraft is moving toward the radar, the radar echo returns at a higher frequency than the outbound signal transmitted by the radar. If an aircraft is moving away from the radar, the radar echo returns at a lower frequency than the outbound radar signal. The difference between the frequency of the transmitted signal and the echo increases as the speed of the aircraft increases, enabling a radar to determine how fast the aircraft is flying and differentiate between aircraft flying at different speeds. In the case of air interdiction detection systems, the doppler shift may enable the radar operator to distinguish aircraft from stationary background clutter. It also allows the operator to distinguish between aircraft moving toward and away from the radar, and between aircraft flying at different speeds. Nevertheless, radar system computers with enhanced data analysis capabilities are not always successful at separating slow, low-flying aircraft from high clutter background.

A radar's maximum detection range is usually indicated as the maximum distance a given size target can be detected within a specified probability (e.g., 90 percent). The range of powerful long-range radars (not including over-the-horizon radars, (see p. 35) is usually limited to the distance at which objects are directly visible by the radar antenna (line-of-sight). If the radar is located in mountainous terrain, its line-of-sight in some directions may be less than its maximum theoretical range. The higher the radar antenna, the greater the radar's line-of-sight. Radars are put on towers and on airborne platforms (aircraft and balloons [aerostats]) to extend their line-of-sight and thus increase their range.

The detection capability of radar systems is also limited by how much the direction of the transmitted radar signal can be changed. Different radar systems can change the direction of the radar signal by varying degrees. For example, some radar systems can rotate their antenna to scan a 360-degree circle around the radar system, without physically moving the radar itself. Other radar systems, such as the one used on Customs P-3A (see p. 34) only rotate their antenna to see the area in a 120-degree arc in front of the aircraft, and the aircraft must change its direction for the system to see areas outside this arc. These differences affect the size of the area that a radar detection system can cover.

Technical Characteristics of Radar Systems Limit Their Ability to Detect Airborne Drug Smugglers

The technical characteristics of radar systems place major constraints on the usefulness of radar in identifying airborne drug smugglers. These constraints provide numerous opportunities for drug smugglers to avoid detection. Radar systems have trouble detecting small aircraft flying slowly at low altitudes. This is because the radar echoes from these small aircraft may not be as strong as those returned by environmental background clutter, thus making these aircraft difficult to distinguish from the environment. Drug smugglers could take advantage of this fact by flying slowly at low altitudes over rough terrain.

Drug smugglers can also detect radars by equipping their aircraft with radar detectors that will alert them if they are spotted by interdiction agency radars and allow them to determine when radars are in operation. If smugglers find they might have been detected, they can attempt to avoid the radar or change course and return home without being apprehended. If smugglers find gaps in radar coverage where interdiction radars are not providing coverage or are not operating, they can fly through the gaps and avoid detection.

Even if radar systems are able to physically detect an aircraft, this is only the first step in identifying those aircraft that are involved in drug smuggling. The vast majority of air traffic en route to the United States is legitimate. Radars can be used to distinguish suspect drug-smuggling aircraft from legitimate aircraft if the smugglers behave suspiciously or if law enforcement data indicate that the aircraft has been engaged in smuggling. However, radars are of limited help in identifying aircraft involved in smuggling that are operating under proper flight procedures.

One of the methods used to distinguish smugglers from legitimate aircraft involves the use of radio communications equipment. Aircraft can be equipped with a receiving-transmitting device known as a transponder. Some radar detection systems have equipment known as interrogators, which transmit a radio signal to aircraft detected by the radar system. If the aircraft is equipped with a transponder, the transponder is supposed to automatically respond to the signal from the interrogator by transmitting a coded signal of its own, which returns to the interrogator's receiver and can be displayed on a radar scope. This display makes it possible for radar operators to distinguish the transmitting aircraft from others appearing on their scopes. Some transponders also transmit signals that indicate the aircraft's altitude.

If an aircraft is detected by an air interdiction radar system but does not transmit a reply when interrogated, it may be involved in drug smuggling. If the aircraft does respond, but a check with FAA indicates no record showing that the aircraft has filed a flight plan, the aircraft is considered suspect. This method is useful in detecting drug smugglers because all civilian aircraft flying from other countries to the United States are required to file FAA flight plans as well as to provide Customs with advance notification of their arrival. However, this method has limitations.

For example, private aircraft flying inter-island flights within the Bahamas are not required to file flight plans with FAA. Also, smugglers traveling from Mexico may file a legitimate flight plan, but after crossing the U.S. border and having the air interdiction C3I Center confirm that the aircraft is following its flight plan, may drop down out of radar coverage. A radar operator at the C3I center then might assume that the aircraft was following a normal landing pattern. However, the aircraft might actually proceed to a different destination to deliver its drug load.

Radars can also monitor flight movements that may indicate if an aircraft is involved in drug smuggling. For example, an aircraft that is detected by radar and found by the C3I Center to be on a legal flight plan might, while still within radar coverage, change its destination. Moreover, an aircraft on a legal flight plan might pass its designated airport, proceed on to air-drop its load of drugs to accomplices waiting in boats or on the ground, and then turn around and fly back to its designated airport. The movements of aircraft in these instances would raise a radar operator's suspicion.

Radar systems are also used to identify smuggling aircraft that are covertly equipped with a transponder. This method of detection, however, has become less effective, partly because smugglers have acquired electronic devices that can identify covert transponders in their aircraft.

CAPABILITIES AND COSTS OF EXISTING AND PLANNED RADARS FOR DETECTING AIRBORNE SMUGGLERS

Several radars are currently used or could be used in the future to detect airborne drug smugglers. These radars can be grouped into three main categories: radars on board airborne platforms, such as balloons or aircraft; ground-based radars; and over-the-horizon radars. The following section describes 1) these radars' capabilities for detecting airborne drug smugglers and 2) their acquisition costs.

Radars Based on Airborne Platforms

Radar line-of-sight, and consequently radar coverage, is increased by placing the radar on an airborne platform and operating the radar at a high altitude above the surface. The U.S. military relies on airborne radar systems to provide air defense against enemy aircraft and, in some instances, ships. They also control U.S. fighter/interceptor aircraft. The two main types of airborne platforms are balloons and aircraft.

Radar Balloons

Aerostats are the principal radar balloons that Customs and Coast Guard use for the detection of suspect airborne drug smugglers. Also under consideration for use as a possible airborne radar platform is a lighter-than-air airship, which is a self-propelled balloon.

Aerostats. Aerostats are radars mounted on balloons that are tethered to land bases or ships. One of the aerostats we reviewed is designed to float at altitudes as high as 15,000 feet for long periods of time. However, aerostats must be reeled in during severe weather conditions and, periodically, for routine and emergency maintenance. The higher the aerostat's altitude, the further its radar can see aircraft flying at low altitudes.

Aerostats tethered to land bases extended to an altitude of 10,000 feet are able to detect aircraft flying at low altitudes up to distances of 145 miles from the aerostat. Current land-tethered aerostats are equipped with beacon radar for interrogating aircraft transponders, which as previously discussed, are used to distinguish suspect drug smuggling aircraft from legitimate air traffic.

Many airborne drug smugglers fly at slow speeds and at altitudes as low as the 500-foot altitude at which aerostat radar capabilities deteriorate. When aerostat radars are looking down at low, slow-flying aircraft, they have difficulty distinguishing such aircraft at these low altitudes from surface clutter, particularly when airplanes are flying over mountainous land rather than calm seas. Aerostats, because they are stationary, also cannot detect targets that are shielded from the aerostat's line-of-sight by high land masses, such as mountains. An aerostat radar we reviewed had performance features intended to improve its capability for distinguishing aircraft from surface clutter. This aerostat, located at Fort Huachuca, Arizona, was designed to detect small targets at a minimum range of 80 miles in a mountainous (high clutter) environment within a 75-percent probability. Aerostat systems intended for interdiction are projected to cost between $11.8 million and $22.8 million per system. Customs attributes the variation in costs to expenses related to site preparation.

Coast Guard's interdiction asset inventory includes five aerostats which are tethered to ships. Four of these aerostats are currently operational while the fifth is in the final stages of development. The ships are or will be deployed in the waters of the Caribbean, the Gulf of Mexico, and the Atlantic Ocean near the Bahamas. Coast Guard's ship-tethered aerostats all have marine surveillance capabilities, and these aerostats are or will be equipped also to detect aircraft, according to the Coast Guard. Information obtained from Coast Guard indicates that these ship-tethered aerostats have a maximum elevation of 2,500 feet. This gives them a line-of-sight detection range of about 70 miles, although they may not achieve this range against small aircraft. The U.S. Army is developing a ship-tethered weather surveillance aerostat system that is designed to stay aloft at a height of 2,500 feet in winds as high as 90 knots. The Army system potentially could be used for air interdiction detection purposes. Coast Guard ship-tethered aerostats are not currently equipped with aircraft transponder interrogators, but Coast Guard says it is planning to eventually install this equipment on its aerostats. According to Coast Guard, the acquisition cost of its ship-tethered aerostats is $50 million.

One of the principal limitations on the detection capabilities of all aerostats is their sensitivity to adverse weather conditions. Aerostats must be reeled back to their base in the event of such conditions. In addition, scheduled maintenance for these systems can be frequent. According to Customs records, the down time for maintenance of the aerostat located at Patrick Air Force Base, Florida, for example, was 37 percent in fiscal year 1988. Overall, the aerostats located at Patrick Air Force Base and Cudjoe Key, Florida, and in the Bahamas were operational an average of about 53 percent of the time in fiscal years 1987 and 1988. Finally, aerostats in operation are easily observed by smugglers or their lookouts.

Airships. Lighter-than-air airships have been considered as possible airborne platforms for air interdiction radar detection systems. Airships, like the well-known blimps, are balloons that can move under their own power. Unlike aerostats, airships are not tethered to land bases or ships.

The Policy Board's Long-Range Surveillance Subcommittee considered a prospective lighter-than-air airship that would have the same radar used on Navy E-2C radar surveillance aircraft. Theoretically, an airship radar system operating at a height of 10,000 feet would be capable of detecting small aircraft flying at 500 feet at a distance of about 170 miles. The airship detection system considered by the Policy Board's Subcommittee could remain airborne from 2 to 5 days without refueling, and for up to 4 weeks with in-flight refueling. However, like aerostats, airships could not operate in extreme weather conditions. The acquisition cost of the airship detection system that the Policy Board's Subcommittee considered is estimated at $75 million.

Radar Aircraft

Radar aircraft that Customs and Coast Guard currently use as airborne detection platforms include P-3As, P-3B AEWs, and E-2Cs. Air Force E-3 AWACS and Navy E-2Cs also provide detection support. These aircraft-based radar detection systems are described below beginning with the two military airborne early warning systems, which provide a useful basis for understanding the capabilities of radar aircraft.

E-3 AWACS. The E-3 AWACS is the Air Force airborne warning and control system. It is a Boeing 707 aircraft that contains a powerful and highly sophisticated surveillance radar and command and control center. The AWACS radar can detect small aircraft up to distances of about 250 miles, according to the manufacturer. This radar's capability for detecting airborne smuggling profile targets is at least as good as the P-3B AEW's radar, which has been recently tested against these targets. (See p. 34.) The AWACS radar antenna system can scan 360 degrees and has several different detection modes. The radar mode that provides surveillance from the AWACS down to the surface is the most effective in detecting potential drug smuggling aircraft. The AWACS radar, when looking down at airborne targets, takes advantage of the doppler shift to distinguish between radar echoes reflected from the moving aircraft and background clutter reflected from the earth's surface. The radar's computer automatically adjusts to compensate for variations in background clutter to help operators see targets of interest on their radar screens. The AWACS also uses a military "Identification Friend or Foe" (IFF) interrogator to signal transponders on aircraft identified by its radar system. This device helps the AWACS to identify hostile or friendly aircraft.

According to the Air Force, the E-3 can remain airborne for about 9.5 to 11 hours without refueling and has an operational distance of about 1,150 miles from its base.

E-2C. Customs, Coast Guard, and Navy all use E-2C aircraft as airborne radar platforms for radar detection of drug smugglers. Customs and Coast Guard each operate two E-2C aircraft full-time as air interdiction detection systems. The Navy has also provided Customs and Coast Guard with radar detection data obtained in the course of Navy E-2C flights.

The E-2C is a two-engine turboprop aircraft that serves as the Navy's airborne surveillance and control system. The E-2C is smaller than the E-3 AWACS and is designed to operate from aircraft carriers. It has a maximum mission endurance of 6.5 hours. Like the AWACS, the E-2C radars use computers to analyze the doppler shift effect and help screen out background clutter. The E-2C radar scans an area of 360 degrees. According to its manufacturer, the version of this radar used on most Navy E-2Cs can detect small targets, such as cruise missiles, at a range of better then 125 miles and targets such as fighter aircraft at

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over 200 miles. The E-2Cs that Customs and Coast Guard operate have an earlier version of the E-2C radar system, which is the same radar used on one of Customs' P-3B AEWs. Both the newer and older versions of the E-2C radars should have detection capabilities similar to those of the P-3B AEW. (See below.) The E-2C system, like the AWACS, uses a military IFF interrogator to signal and automatically obtain identification information from transponders on aircraft detected by its radar system.

Modified P-3A Aircraft. Customs currently operates four converted Navy P-3A aircraft equipped with the interceptor radar used on the Air Force F-15 jet fighter plane. The F-15 radar is capable of scanning a 120-degree arc (plus or minus 60 degrees) directly in front of the aircraft. This limits the P-3A's radar coverage area, because the radar can only detect targets flying ahead of the P-3A. Customs plans to phase out some of these aircraft as they acquire more AEW aircraft, which are discussed below.

P-3B Airborne Early Warning (AEW) Aircraft. In 1988 Customs began using its own P-3B airborne early warning system for drug interdiction. The aircraft is known as the P-3B AEW and is equipped with the airborne early warning radar used on some of the Navy's E-2C aircraft.

The P-3B AEW is a four-engine turboprop aircraft that is larger than the Navy E-2C. Customs' tests of the first P-3B AEW radar indicate that it could detect a relatively small aircraft at 144 miles and a larger twin-engine aircraft at over 200 miles. The detection capabilities of the first P-3B AEW radar are similar to those of the E-2C, which uses the same radar, but the P-3B AEW has a mission endurance of up to 14 hours (compared to the E-2C's 6.5 hours). Like the E-2C and AWACS, the P-3B AEW is equipped with an IFF interrogator system.

The first P-3B AEW cost the federal government about $27.2 million to develop. The second P-3B AEW was put into operation by Customs in April 1989. This aircraft is equipped with the more advanced radar that is used on newer Navy E-2Cs and costs about $31 million. Customs plans to acquire two more AEW aircraft, depending on the availability of funding.

Ground-Based Radars

The principal ground-based radar system used to detect airborne drug smugglers is comprised of FAA's air traffic control network and DOD's North American Air Defense (NORAD) system and is known as the Joint Surveillance System (JSS). In addition to the JSS network, a number of land-based, fixed-site radars provide coverage of air smuggling routes in the Southeast Caribbean area.

The detection ranges of ground-based radars are limited to their line-of-sight, the distances of which vary among ground-based systems, depending on the height of their antennas. For example, one of the Caribbean radars can detect aircraft flying at 500 feet up to 50 miles. FAA terminal approach radars have similar detection capabilities. FAA commercial air traffic control radars are used primarily for higher altitude coverage, where their detection ranges are substantially greater. NORAD uses the JSS system to identify potential air threats to the United States.

Over-the-Horizon (OTH) Radars

OTH radars are radar systems that are designed to look over the horizon created by the curvature of the earth's surface and thus overcome the line-of-sight problem. OTH radars transmit signals at an upward angle toward the ionosphere, which refracts the radar signal back down to the earth. Because the refracted radar signal comes from a point very high above the earth, it is able to look down and detect objects within a very large area of the earth's surface. The signals then reflect back (backscatter) to a receiving antenna. One of the OTH radar systems currently under development is able to achieve ranges over 2,000 miles.

DOD is currently developing OTH radar systems to provide long-range defense surveillance. Because OTH radars are potentially capable of detecting aircraft at long ranges and over large areas, they have been identified for possible air interdiction applications.

DOD is currently developing two OTH systems, the Air Force's Over-the-Horizon Backscatter (OTH-B) radar and the Navy's Relocatable-Over-the-Horizon (R-OTH) radar. The Air Force system, if completed, will consist of four separate systems. The systems are intended to provide radar coverage beyond eastern, western, and southern borders of the United States, and an area surrounding Alaska. The coverage will extend from a minimum of 575 miles from the radar antenna to distances over 2,000 miles. Currently, the system covering areas off the East Coast is the only one that is operational, although at limited capability. The system that would provide coverage of the Gulf of Mexico and portions of the Caribbean Sea, known as the Central Radar System (CRS), would be the most useful for air interdiction purposes. However, this system has not yet been built. The Air Force plans to request procurement funds for this system beginning in fiscal year 1991.

The Navy R-OTH is a tactical radar system designed to provide wide-area radar coverage in order to monitor aircraft and ship targets in areas of interest. The R-OTH is land-based and can be moved to different locations. The R-OTH prototype is currently located in Virginia, but the Navy plans to move this system to a site in Alaska.

OTH radars have several characteristics that limit their potential capability as air interdiction detection systems. OTH systems currently being tested do not have beacon transponder interrogation capability, nor do they have the ability to determine aircraft altitude. They also have limited capabilities for detecting the relatively slow-moving aircraft normally used by smugglers. Other limitations primarily stem from the frequency of OTH radar signals. OTH radars transmit in the high-frequency part of the electromagnetic energy spectrum. In general, the greater the distance a transmitted radar signal travels, the lower the strength of the return signal, and the greater the difficulty in detecting and interpreting the return signal. Weak high-frequency return signals are more likely than strong return signals to be masked by normal atmospheric conditions, such as lightning. The instability of the ionosphere, which refracts OTH signals, also distorts them and limits OTH detection capabilities.

Because OTH radars can provide long-range coverage of large areas, the Policy Board has considered using them to augment or replace all or part of the existing air interdiction radar detection network. We do not believe that OTH radars can or should be used as a stand-alone detection system for drug interdiction. As discussed above, the long range and wide geographic coverage of OTH radar systems is counterbalanced by both the vulnerability of OTH radar signals to atmospheric conditions and the difficulty of equipping OTH systems with transponder interrogators that can communicate with civilian aircraft. OTH radars possibly could be used as an early warning system in conjunction with airborne radar systems. OTH radars could make an initial and relatively general identification of possible drug smuggling activity in a particular geographic area. Surveillance aircraft would then follow up on the initial OTH detection and obtain more specific data on location and identification of the suspected smugglers.

The OTH-B system that would provide the best coverage for air interdiction purposes, the CRS, is not scheduled for procurement until fiscal year 1991. In a recent report, we recommended that OTH-B system performance be adequately demonstrated before the Secretary of Defense makes commitments to CRS.[1] Moreover, the Navy has decided to move its R-OTH system to an area in Alaska as initially programmed.

Table 3.1 summarizes the detection capabilities of the radars we reviewed, as well as their acquisition cost.

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[1]Early Warning: DOD's Plans for Continuing Over-the-Horizon Radar Production (GAO/C-NSIAD-89-08, March 1989).

Table 3.1:

Radar Systems' Detection Capabilities and Costs

System	Detection range[a] (miles)	Coverage[b] (square miles)	Endurance (if applicable)	Acquisition cost (in millions)
Land-tethered aerostats	170	66,019	c	$ 11.8 to $22.8[d]
Ship-tethered aerostat	60	11,310	c	10.0[e]
Lighter-than-airship[f]	173	93,978	2-5 days (without refueling)	759
P-3B AEW (from small to med. size target)	166 to over 207	65,111 to over 125,600	14 hours	27.2[h]
E-3 AWACS	Similar to P-3B AEW	Similar to P-3B AEW	9.5 to 11 hours	200.0[i]
E-2C	Similar to P-3B AEW	Similar to P-3B AEW	6.5 hours	49.0[i]
Modified P-3A	40 to 80	1,675 to 6,699	12 hours	5.9[j]
Ground-based radars	46[k]	6,644[k]	NA	NA
Air Force OTH-B system[c]	Over 2,000	L	NA	2,700[m]

NA = Not applicable.

[a]Detection ranges for low-flying targets.

[b]Based on Area = Pi (i.e., range) x Radius^2.

[c]Aerostats cannot operate in unstable weather conditions and require frequent maintenance. Our analysis of Customs records shows that aerostats typically operated about 53 percent of the year.

[d]Costs of aerostat systems vary. A system currently being built in the Bahamas is projected to cost $22.8 million. This figure includes extensive site preparation costs, according to Customs.

[e]Our estimate based on Coast Guard acquisition costs of $50 million for five ship-tethered aerostats.

[f]Planned or future systems.

[g]Estimated in 1987 report by the Long-Range Surveillance Subcommittee of the National Drug Policy Board.

[h]Existing aircraft retrofitted with a new radar system.

[i]DOD cost estimate for procuring a new aircraft.

[j]Cost of modifying one P-3A with F-15 radar. Radar and aircraft provided by DOD.

[k]Range depends on the height of these radars' antennas, and the height of the target. This is the range of a typical ground-based radar operating at about 100 feet above mean sea level against a target at an altitude of about 500 feet.

[l]If fully implemented, OTH-B will provide wide area-coverage well beyond the eastern, western, and southern U.S. borders.

[m]Amount includes cost of complete OTH-B system including research, development, testing, evaluation, procurement, and military construction funds.

CONCLUSIONS

The radar systems we reviewed, which were not designed specifically to detect and identify airborne drug smugglers, have technical characteristics that limit their ability to perform this mission. These limitations make it possible for smugglers to avoid detection. No one radar system that we examined is best for detecting airborne drug smugglers.

Each radar system has advantages and limitations in terms of area of coverage, ability to extract targets from clutter, susceptibility to weather, and maximum operating time. The radars we examined have varying acquisition costs. In selecting radar systems for use in drug interdiction, all of these factors, as well as the geographic characteristics of the covered area and the drug smuggling threat in that area, must be considered.

CHAPTER 4

CURRENT AND FUTURE CAPABILITIES FOR DETECTING AND APPREHENDING AIR SMUGGLERS ARE LIMITED AND COSTLY

Gaps exist in the radar coverage provided by the existing air interdiction detection network. Planned additions to the detection network would reduce these gaps but would be costly, and gaps in radar coverage would still exist. Customs has been able to respond to most radar detections of suspected airborne drug smugglers and over the 5-year period, fiscal year 1983 through fiscal year 1987, Customs' air program averaged about five drug seizures per month. Customs, however, believes this is only a small percentage of the private aircraft actually engaged in smuggling. Customs also believes that air interdiction programs deter some smugglers from participating in smuggling, and causes others to abort air smuggling operations. However, these deterrent effects cannot be quantified.

Customs is developing a C3I system to coordinate detection activities with Customs and Coast Guard units that operate interceptor, tracker, and apprehension aircraft. The C3I system is still evolving so its impact cannot yet be determined. The National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456) directs the President to submit a plan for the integration of drug interdiction command, control, communications, and intelligence assets by DOD. As of May 1989, DOD had not yet issued this plan and we were therefore unable to evaluate it.

Gaps in radar coverage and the technical limitations of radar detection systems provide many opportunities for airborne drug smugglers to avoid detection. Drug smugglers have displayed great skill in exploiting these vulnerabilities. An OTA analysis of 1984 drug seizure data estimated that 1,300 to 3,500 drug smuggling flights bring drugs into the United States each year. This is compared to the 65,367 private aircraft that entered the United States legally that year, according to Customs. Customs reports that private aircraft entries increased to 132,137 in 1988.

EXISTING RADAR SURVEILLANCE COVERAGE

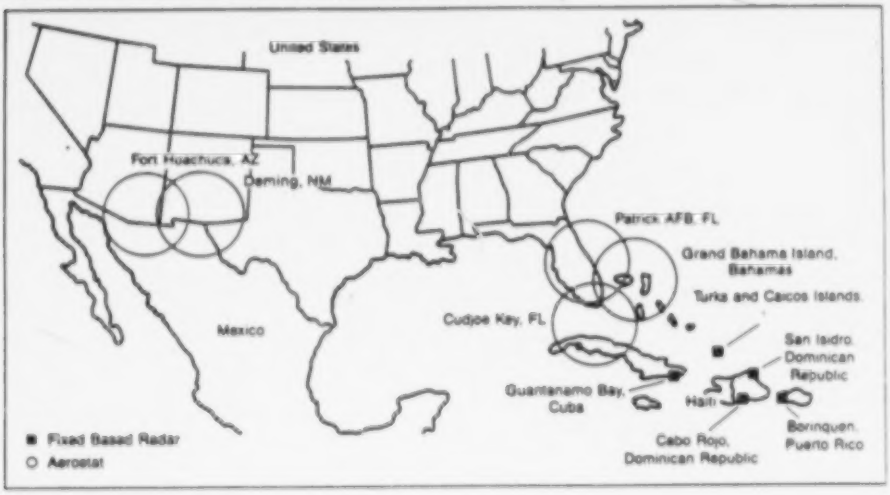
The principal radar systems currently used to detect airborne drug smugglers are the aerostats located in south Florida, the Bahamas, and on the U.S.-Mexican border. Air interdiction radar surveillance by aerostats is augmented by airborne and ship-based radar surveillance systems operated by Customs, Coast Guard, and DOD. Several land-based radars, located in the Caribbean islands

and used primarily for military purposes, also provide radar detection data used in air interdiction efforts. These systems are supplemented by FAA and NORAD system radars, which make up the JSS.

Existing Fixed-Base Radars

The locations of existing aerostats and ground-based radars used for detection of airborne drug smugglers, and the areas for which they provide coverage, are shown in figure 4.1. As indicated in figure 4.1, most of the radar coverage currently provided by fixed-base radars is concentrated on or near the south Florida coast. JSS and airport approach radars are not shown on the map, but they provide coverage along most of the U.S. border. Many of these radars transmit data to the C3I East and West centers. JSS radars provide high-altitude coverage for controlling commercial aircraft and early warning of potential air threats to the United States, thus having limited capabilities for detecting air smugglers. Conversely, airport approach radars provide low-level coverage needed to detect smugglers but only around airports to control aircraft takeoffs and landings.

Figure 4.1: Locations of Existing Aerostats and Fixed Based Radars



The three aerostats located in or near south Florida are the principal radar detection systems used by air interdiction agencies in the Southeast. They include two U.S. Air Force aerostats located at Patrick Air Force Base, Florida, and Cudjoe Key, Florida. The third aerostat is located on Grand Bahama Island in the Bahamas and is operated by Coast Guard. As shown in figure 4.1, several ground-based radars are located on Caribbean islands over which airborne smugglers must fly when taking the most direct routes from drug source countries in South America to the United States. The radar located at Guantanamo Bay, Cuba, is a U.S. Navy ground-based air defense radar. The radars based in the Dominican Republic and the Turks and Caicos Islands are operated by U.S. military personnel. The radar in Puerto Rico is operated by the Air National Guard. The aerostats transmit radar detection data directly to the radar scopes at C3I East. At C3I East, Customs and Coast Guard personnel decide whether to launch interceptor aircraft to locate and obtain more information on suspected drug smuggling aircraft. Personnel at the ground-based radar sites relay information to C3I East via radio or telephone.

As shown in figure 4.1, there are currently only two radars for detecting airborne smugglers attempting to fly into the United States from Mexico. These aerostats are located at Fort Huachuca, Arizona, and Deming, New Mexico, and transmit radar detection data to C3I West in Riverside, California.

Existing Aircraft-based Radars

Customs, Coast Guard, and DOD operate radar surveillance aircraft to fill gaps in the fixed-base radar coverage along the U.S. border and to provide long-range detection of airborne drug smugglers departing from South America. Until recently, Customs and Coast Guard each operated two E-2C aircraft, on loan from the Navy. However, Customs is planning to return its E-2Cs to the Navy, which in turn, plans to provide two additional E-2Cs to Coast Guard. In addition, Customs has acquired two new radar surveillance aircraft known as P-3B AEWs. Both the E-2C and P-3B AEW aircraft are equipped with basically the same wide-area coverage radar systems. While Customs also operates four P-3A aircraft, on loan from the Navy and, equipped with an Air Force F-15 fighter aircraft radar, as airborne radar platforms, these P-3As have limited detection capabilities.

Coast Guard's E-2Cs are currently based at the Norfolk Naval Air Station, Virginia. However, they are usually deployed to bases, such as Key West, Florida, that are closer to air smuggling routes. This maximizes the effective operating time of the E-2Cs, which can remain airborne for approximately 4 to 6.5 hours. Coast Guard is planning to relocate its E-2Cs to a base in northern Florida to be closer to drug smuggling routes.

Customs' radar surveillance aircraft are based at the Customs Surveillance Support Center at the Naval Air Station in Corpus

Christi, Texas. Their primary objective is to supplement aerostat and other fixed-base radar coverage along the southern U.S. border and to extend that coverage into the Caribbean Sea and the Gulf of Mexico. Customs also deploys its radar aircraft off the Caribbean coast of South America to detect air smugglers when they depart from source countries. Coast Guard E-2Cs also provide some coverage of this area.

DOD radar surveillance aircraft have provided substantial amounts of airborne radar coverage of air and marine smuggling routes in support of Customs and Coast Guard drug interdiction efforts. Air Force AWACS aircraft and Navy E-2Cs have flown numerous missions that provide drug interdiction surveillance as a by-product of military training. Navy E-2C and Air Force AWACS missions designated for drug interdiction surveillance are scheduled quarterly at meetings attended by Customs, Coast Guard, and DOD officials. Due to cracks in the wings of its E-2C aircraft, the Navy has not been able to contribute as many E-2C flights for drug interdiction surveillance during the past year as it had previously.

When Customs and Coast Guard radar surveillance aircraft detect potential air smugglers, they report the detections to the C3I East or C3I West Centers. If a C3I determines, on the basis of available data, that a target is suspect, it then determines when, where, and which aircraft will respond to intercept this target.

Table 4.1 shows the number of flight hours dedicated to drug interdiction detection by Customs, Coast Guard, and DOD radar surveillance aircraft. Radar surveillance aircraft are used to provide radar coverage of both air and marine smuggling routes.

Table 4.1:

Flight Hours of Radar-Equipped Aircraft Used for Drug Interdiction Detection, FY 1988

Type of aircraft	Number of aircraft used for air interdiction (at the time of our review)	Total number of flight hours
Customs		
P-3A	4	4,786
P-3B AEW	1[a]	308
E-2C	2	667
Coast Guard		
E-2C	2	1,447
DOD		
Navy E-2C	Not available	604
Air Force E-3 AWACS	Not available	4,967

[a]Customs' first P-3B AEW became operational in June 1988. A second P-3B AEW was put into operation by Customs in April 1989. Flight hours listed are those of the first aircraft.

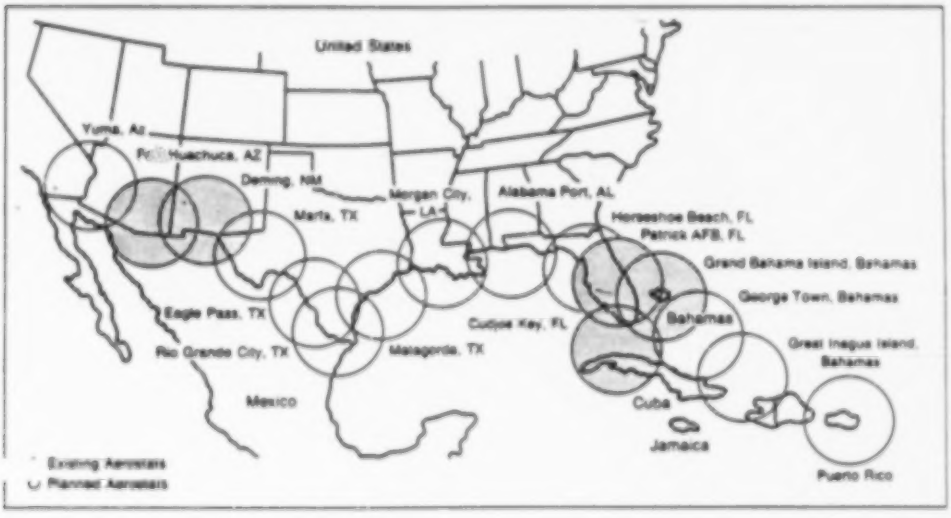
PLANNED RADAR DETECTION NETWORK WILL BE COSTLY AND WILL NOT PROVIDE COMPLETE COVERAGE

The federal government's current strategy for detecting airborne drug smugglers, outlined in a 1988 report by the Policy Board, calls for the development of a network of aerostats along the southern U.S. border and in the Caribbean aimed at detecting air smugglers flying north from Latin America and the Caribbean to the United States. The strategy also calls for the deployment of airborne and ship-based radar systems, which can supplement the network and provide mobile surveillance of air smuggling routes from drug source countries.

The backbone of the planned air interdiction detection network is a group of 16 aerostats that would provide radar coverage for most of the southern U.S. border; the Bahamas; and parts of the Caribbean, including Puerto Rico. In addition to the five aerostats currently operating, four additional aerostats are scheduled to become operational by the end of 1989. Three of these aerostats are to be located in the southwestern United States along the U.S.-Mexican border, and the fourth is to be located in the Bahamas. Current Customs plans call for adding seven more aerostats to the network: four along the Gulf Coast, one in Puerto Rico, one along the southwest border, and another

in the Bahamas. Customs' plans are dependent on decisions by DOD, which is now the lead agency for interdiction detection. The planned aerostat network and the geographic areas it would cover are shown in figure 4.2.

Figure 4.2: Planned Aerostat Network



Customs would like to acquire two more AEW aircraft, which would be used to detect airborne drug smugglers as they depart from source countries in South America. Customs recently acquired a second AEW aircraft at a cost of $31 million. This aircraft became operational in April 1989. Funding for the other two AEWs that Customs would like to acquire has not yet been authorized. As part of their mission, the additional AEW aircraft would be deployed off the Caribbean coast of South America and would attempt to detect airborne smugglers soon after takeoff and track their movements as they fly north toward the United States.

In addition to Customs' planned expansion of the aerostat network and acquisition of additional AEW aircraft, DOD is currently installing additional radars in the Caribbean for defense purposes. Existing DOD radars in the Caribbean are already used to a limited extent to detect airborne drug smugglers. The Air Force is responsible for expanding the DOD radar network in the Caribbean, which is known as the Caribbean Basin Radar Network. When fully implemented, the expanded DOD radar network would increase radar surveillance coverage of the Caribbean Basin.

Customs believes that implementation of the planned aerostat network and acquisition of additional AEW aircraft would greatly increase the probability of detecting airborne drug smugglers. However, acquisition of six additional aerostats and two additional AEW aircraft would be costly. We estimate that this would total at least $124 million.

In addition, as discussed in chapter 3, aerostats cannot operate during adverse weather conditions, and they require substantial downtime for regular maintenance and repairs. In fiscal years 1987 and 1988, the aerostats employed in air interdiction operated an average of 4,654 hours per year, which means that the aerostats operated 53 percent of the total 8,760 hours in a year. Because their large size makes aerostats conspicuous, lookouts for drug smugglers can readily tell when aerostats are down. The planned complement of aircraft-based radar systems, because of limited flight times, would provide only a small fraction of the radar coverage needed to fill the gaps in the proposed aerostat network. Thus, gaps would remain in the planned air interdiction detection system, and airborne drug smugglers can be expected to exploit these gaps.

As discussed in chapter 3, there have been proposals to fill gaps in the air interdiction detection system with OTH radar systems that DOD is currently developing. However, OTH systems are still being developed and full use of OTH systems for drug interdiction is not expected to occur until the 1990s. Moreover, OTH systems currently being developed have limited capabilities for detecting the relatively slow-moving aircraft normally used by drug smugglers.

The Air Force is currently developing an OTH-B system based in Maine that provides coverage off the East Coast of the United States. The initial operational test and evaluation of this system is not scheduled to begin until October 1989. The Air Force also plans to place another OTH-B system in one of the North Central states. This system, called the Central Radar System (CRS), would provide radar coverage of the Gulf of Mexico and parts of the Caribbean Sea, but the Air Force does not plan to request procurement funds for this system until fiscal year 1991. We recently recommended that the Secretary of Defense ensure that OTH-B performance be adequately demonstrated through operational testing before making commitments to this system. (See p. 36.)

The Navy R-OTH system is still in the developmental stage and is scheduled to be deployed in the early 1990s. Although the experimental R-OTH system is currently based in Virginia, where it can provide some radar coverage of southeastern air smuggling routes, the Navy plans to move the system to Alaska in the near future.

AIR INTERDICTION SYSTEM RESPONSE CAPABILITIES

We found that Customs air interdiction units have been able to respond to most radar detections of suspected airborne smugglers, but few air pursuits have resulted in drug seizures and arrests of smugglers. Because Coast Guard has only been involved in air interdiction since 1987, we did not review their activities in detail. We found several reasons for this lack of success. Many aircraft that appear suspicious when detected by radar are later determined to be legitimate air traffic by Customs response aircraft. Also, response aircraft may not be able to locate suspect aircraft identified on radar or may lose the aircraft while attempting to track its movements. Finally, there is some indication that few private aircraft flights are actually needed to supply cocaine to the United States. OTA estimates that an average of 3.5 to 10 drug smuggling flights enter the United States each day. Such a small number of flights reduces the possibilities for air interdictions.

Our analysis was based on information from Customs' computerized Aviation Operations Reporting System, Coast Guard's C3I monthly air drug interdiction reports, activity logs maintained at air interdiction command and control centers, and interviews with Customs and Coast Guard officials.

Customs and Coast Guard Air Interdiction Response Resources

Customs and Coast Guard interceptor, tracker, and apprehension aircraft are located at several different aviation facilities. Customs has eight aviation branches and nine smaller aviation

units; Coast Guard operates its air interdiction program primarily from three aviation facilities. The locations of Customs and Coast Guard air interdiction facilities are shown in figure 4.3.

Figure 4.3: Location of Customs and Coast Guard Air Interdiction Facilities

Table 4.2 shows the type and deployment of Customs and Coast Guard air interdiction response aircraft. A total of 28 response aircraft (interceptors, trackers, and Blackhawk helicopters) were located at Customs aviation branches and units as of February 1989. Coast Guard has five HU-25C Falcon interceptor jets at Ona Locka Air Station near Miami and four in Mobile, Alabama.

Table 4.2:

Type and Deployment of Air Interdiction Aircraft

	Interceptors	Trackers	Blackhawk helicopters	Support aircraft	Total
Customs Aviation Branches[a]					
Miami	2	2	2	7	13
Jacksonville		1	2	11	14
New Orleans	2		2	5	9
San Angelo	1	1	2	5	9
Houston		1	1	5	7
Albuquerque		1	2	6	9
Tucson	1	1	2	5	9
San Diego	—	1	1	7	9
Total	6	8	14	51	79
Coast Guard air facilities					
Miami	5				5
Mobile	4				4
Total	9				9

[a]Includes aviation units.

The number of possible targets to which air interdiction units can respond depends on available radar coverage and current smuggling patterns. Radar coverage in the southeastern United States is more extensive than in the Southwest and West. Customs officials believe that smuggling flights occur in the Southwest and West but are undetected because of the lack of radar coverage. As a result, air interdiction units in the Southeast have more potential targets than do interdiction units in the Southwest and West. Our analysis of Customs data indicated that during fiscal years 1987 and 1988, over 60

percent of the 1,335 launches for interdiction missions were made from Customs air units in the East. Over half of the launches in the East were from Customs' Miami Air Branch. Customs officials at air branches in the Southwest and West said that due to the lack of radar coverage in their areas, most air interdiction cases are made in response to airborne smuggling attempts discovered by Customs agent investigations or from intelligence sources.

Customs has two aerostats in the Southwest. The first of these aerostats, in full operation since August 1988, is credited by Customs as providing information that led to four individual enforcement actions. Customs believes that this aerostat has also caused smugglers to divert to air routes outside its coverage area, which is about a 300-mile segment of the border in New Mexico and Arizona. This aerostat was damaged by high winds in May 1989 and will not be operational for several months.

Response Capabilities of Customs Air Units

Our analysis of Customs aircraft maintenance records indicates that its interceptors, trackers, and apprehension aircraft have relatively high availability rates. In fiscal year 1988, Customs' fleet of interceptors was available 76 percent of the time, trackers 79 percent of the time, and apprehension helicopters 66 percent. These availability rates are for aircraft only and do not reflect whether these aircrafts' radar and other sensor systems were also operational. As a result, Customs aircraft were available to respond to most requests for interdiction missions.

According to our analysis of Customs data, Customs units were able to launch interceptor aircraft in more than 90 percent of the 1,443 instances in which they were requested for an interdiction mission during fiscal years 1987 and 1988. In the few instances when interceptor aircraft were not launched on interdiction missions when requested, our analysis of available Customs data indicated that the primary reasons were that 1) the target was lost or there was insufficient time to respond or 2) the aircraft was out of service due to maintenance.

Our analysis of data from Customs' aviation reporting system indicated that about 53 percent of the 1,155 suspect aircraft on which Customs aircraft were launched were intercepted. By Customs' definition, an intercept occurs when a Customs aircraft finds a suspect aircraft visually or with its on-board sensors. If the Customs aircraft is able to get close enough to identify the registration number, the number is checked with law enforcement data systems for indications of prior illegal activity involving the aircraft. Forty-seven percent of the attempted intercepts were not completed. The main reasons were that the target aircraft were determined to be legal before the Customs aircraft arrived (38 percent) or ground radar lost the

target before the Customs aircraft could be guided to it (23 percent).

Following a suspect aircraft until it lands or makes an airdrop of drugs can be a long and difficult process. We found that for about 40 percent of the 718 suspect aircraft that Customs aircraft attempted to track during air interdiction missions in fiscal years 1987 and 1988, the track was terminated or the target lost. Termination of the tracking operation or loss of the suspect aircraft during tracking occurred for several reasons. The most frequent reason for ending a tracking operation was that the suspect aircraft was subsequently identified as legal. Other reasons were that the tracker aircraft lacked endurance or was too slow, or the aircraft's sensors were inadequate.

Our analysis of Customs data shows that during fiscal years 1987 and 1988, Customs aviation branches attempted 1,443 air interdiction missions. In 335 of these missions, an enforcement action occurred when a Customs apprehension aircraft, i.e., a Blackhawk helicopter, landed near a suspect aircraft and Customs law enforcement officials confronted the crew. Of the 335 enforcement actions, 134, or about 10 percent of total missions, resulted in a drug seizure, plane seizure, arrest, or some combination of the three.

Response Capabilities of Coast Guard Air Units

Coast Guard was first assigned responsibilities in air interdiction in 1987. Since then, its activities have been limited to the southeastern United States. Coast Guard is developing a system for reporting its air interdiction activities, but we found insufficient data upon which to base a detailed analysis of Coast Guard's capabilities for intercepting and tracking suspected airborne smugglers. According to a Coast Guard official, the overall availability rate for its Falcon jet aircraft was 64 percent in fiscal year 1988. The availability rate of the Falcon jets used for air interdiction in Miami was 88 percent for February 1989. Coast Guard's limited records of its air interdiction activities show that during the period of January through September 1988, its aircraft attempted 234 intercepts, 206 of which resulted in interception of the suspect aircraft.

Planned Expansion of Air Interdiction Response Capabilities

Customs plans to increase its fleet of response aircraft. It has a project underway to add 10 Citations to its fleet. Four of these aircraft were operational as of May 30, 1989, giving Customs a fleet of 10 of these aircraft as of this date. Customs plans to acquire 10 additional Citations in the future but has

not been authorized funds for these aircraft. Customs reports that acquiring six of the Citations in the ongoing project will cost $39 million. (Four of the 10 Citations involved in this project are aircraft previously owned by Customs and have been modified to carry sensor systems.) Customs reports that acquiring 10 more Citations will cost $65 million. Coast Guard currently has no plans to add to its current fleet of nine Falcon jet interceptor/tracker aircraft.

COORDINATION OF AIR INTERDICTION ACTIVITIES

Coordination of detection activities with the activities of the Customs and Coast Guard units that operate interceptor, tracker, and apprehension aircraft is essential to the success of air interdiction efforts. Federal air interdiction plans provide for such coordination. Customs is developing a C3I system to coordinate the air interdiction process. The planned C3I system is still evolving, so its impact cannot yet be determined. As required by the National Defense Authorization Act, Fiscal Year 1989, DOD has developed plans for integrating C3I into a communication network. The final report on these plans had not been issued as of May 30, 1989. DOD officials said that this report had been approved by the Secretary of Defense and had been sent to the Director, National Drug Control Policy for coordination. The act also requires the President to develop a plan for assigning responsibility for operating this communications network. DOD officials said that this report will be submitted to Congress in July 1989.

Customs and Coast Guard Plans for Coordination

Part of the study requirement in the National Defense Authorization Act for Fiscal Years 1988 and 1989 directs us to assess Customs' current plan for the coordinated use of assets to detect airborne drug smugglers. In addition to examining Customs' coordination plans, we also reviewed Coast Guard's coordination plans because of its involvement in air interdiction. Our assessment of Customs and Coast Guard coordination plans was limited to determining whether they provide for the coordinated use of detection assets. Because of the limited amount of information available, we did not assess the extent to which the coordination of these assets is actually taking place.

Air interdiction strategies include the Air Interdiction Strategy issued by the Policy Board,[1] as well as strategies prepared jointly and individually by Customs and Coast Guard. All of the

[1]The Air Interdiction Strategy is part of the 1988 Policy Board report, Toward a Drug-Free America: The National Drug Strategy and Implementation Plans.

strategies we reviewed provide for the coordination of air interdiction assets and operations. The Policy Board's air interdiction strategy implementation plan states that "[the air interdiction] mission . . . emphasis is on multiagency national and international operations, making maximum joint use of all available assets from the Customs Service, Coast Guard, and supporting agencies." The air interdiction operations plan jointly developed and issued by Customs National Aviation Center and Coast Guard's Atlantic Area Commander also emphasizes the coordination of assets. For example, the joint Customs/Coast Guard plan notes that Coast Guard is the lead agency for providing detection assets to areas covered by the C3I Center East and that "inherent in this responsibility is the coordination and utilization of all surveillance assets capable of detecting airborne smugglers." The plan also states that one of its objectives is "to continue and improve coordination and cooperation between Coast Guard, Customs and other federal law enforcement agencies." The plan also requires Customs and Coast Guard officials in charge of the C3I East Center to prepare strategies for implementing the operating plans that coordinate preliminary resource requirements, including assets from other agencies and assets allocated by Coast Guard and Customs.

Customs and Coast Guard have also developed individual air interdiction strategies. These strategies contain provisions for agency coordination of air interdiction assets. Customs' strategy emphasizes the need to integrate the contributions of other agencies on a routine basis and the need for interagency cooperation. Coast Guard's strategy also provides for interagency coordination with various federal law enforcement agencies.

Although the Policy Board, Customs, and Coast Guard provide for the coordination of air interdiction assets in strategies and operating procedures, it is not clear how well this coordination is actually taking place. Customs and Coast Guard officials involved in air interdiction operations in the Southeast note that rivalries have existed between Customs and Coast Guard air interdiction personnel since Coast Guard became involved in the air interdiction program in 1987. Before that time, Customs was almost exclusively responsible for air interdiction efforts. Customs and Coast Guard officials told us that these rivalries may have affected coordination and cooperation efforts between the agencies, but these officials believe that such coordination and cooperation is nevertheless good.

Command and Control Capacity Required for Air Interdiction

The C3I system is intended to aid in detecting and identifying suspected smugglers, controlling and coordinating intercept operations, improving communication among drug law enforcement agencies, and developing anti-drug smuggling intelligence.

Customs has established two C3I centers, C3I West at March Air Force Base in Southern California and C3I East near Miami. Customs and Coast Guard are now jointly responsible for operating the C3I East Center. In July 1988, we issued a report on Customs' development of the C3I centers.[2] We concluded that the C3I program should enhance Customs' command and control capabilities and lead to better coordination and use of the resources involved in drug interdiction because of better communications between agencies. However, we also concluded that the effectiveness of the program remains to be seen.

At the time we issued our report, Congress had passed--but the President had not signed--legislation that directed DOD to integrate all drug interdiction-related C3I assets into an effective communication network. In view of this legislation and the number of changes that Customs had made during the course of its C3I program, we recommended that Congress review the C3I program's direction before approving additional upgrades to the system. Subsequently, the President vetoed the bill, objecting to the provisions on strategic defense and arms control.

The National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), signed by the President on September 29, 1988, required the President to submit to Congress reports setting forth plans for integrating C3I assets into a communications network, as well as assigning responsibility for operating this communications network. This requirement was identical to that contained in the vetoed bill. As of May 30, 1989, the President had not yet submitted his final reports to Congress on these matters, although indications were that he would soon. C3I East only became operational in April 1989. Given these recent developments, we believe that the effectiveness of the C3I program will not be known for some time.

DRUG TRAFFICKERS CAN USE DIFFERENT SMUGGLING ROUTES AND METHODS

Drug smugglers have proven their ability in the past to respond successfully to changes in the interdiction system, and it appears that they may be adapting to improvements in the air interdiction programs. According to EPIC intelligence reports, traffickers have been flying their drug loads around the air interdiction net, or they are using such other smuggling methods as cargo shipments.

EPIC intelligence reports also indicate that air smugglers are increasingly shifting their operations away from the air interdiction radar network in the southeastern United States. Smuggling flights are now going further south in the Bahamas

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[2]GAO/GGD-88-113, July 1988.

chain, many to avoid increased U.S.-Bahamian air interdiction efforts. Smugglers are also airdropping drugs in the vicinity of Cuba, Jamaica, the Dominican Republic, and Puerto Rico. Air interdiction plans call for the deployment of fixed-base and airborne radars in these areas, which could reduce their vulnerability to drug smuggling operations.

EPIC intelligence reports also indicate that air smugglers are making more use of smuggling routes from South America through Central America and landing in Mexico. Once the drugs are landed in Mexico, they are then smuggled into the United States across the U.S.-Mexican land border in small aircraft and land vehicles. Land vehicles crossing the U.S.-Mexican border at authorized ports of entry are subject to inspection by Customs or the Immigration Service's Border Patrol, but the volume of vehicle and pedestrian traffic coming across the border at ports of entry makes it extremely difficult to seize drugs smuggled in land vehicles or on persons. Land vehicles and pedestrians are also able to make illegal crossings of the long and sparsely guarded land border between border ports of entry with little risk of discovery.

According to EPIC reports most smugglers bring cocaine into the United States from Mexico by crossing the border in land vehicles. However, EPIC intelligence reports indicate that another route is emerging in the northwestern United States. Drug flights have passed through Mexico on their way to off-load sites in Washington, Oregon, and Northern California.

EPIC intelligence reports also indicate that smugglers are making more use of private and commercial marine vessels and commercial aircraft to smuggle cocaine and other drugs into the United States. We were unable to determine whether the increased use of other transportation methods was caused by the buildup in air interdiction resources. However, it is clear that there are other smuggling options besides air smuggling available to drug traffickers, and they are exploiting these options. As discussed earlier, the availability of cocaine has increased despite increased air and other interdiction efforts.

CONCLUSIONS

The federal air interdiction system has produced significant seizures of drugs and might have caused some smugglers to alter their smuggling methods or switch to other transportation modes. Nevertheless, the smuggling of drugs into the United States using private aircraft continues. While more improvements in detection and response capabilities may further deter air smuggling, gaps will remain in the air interdiction system, and other smuggling avenues will still be available, all of which smugglers will no doubt continue to exploit. Thus, air interdiction by itself cannot be expected to significantly affect the flow of drugs into this country.

Gaps in radar surveillance coverage and the technical limitations of radar detection systems provide opportunities for airborne drug smugglers to avoid detection. Drug smugglers have been able to exploit these vulnerabilities. Fixed-base radar systems under construction or planned will fill some of the gaps in radar coverage, as will planned deployments of additional airborne and ship-based radar systems. Improvements in radar system detection capabilities and in command, control, and communications systems may also enhance the effectiveness of the air interdiction detection network. However, closing gaps in radar coverage and improving radar system detection capabilities is costly. Even if planned additions and improvements to the current air interdiction detection system are implemented, remaining gaps in radar coverage and the technical limitations of radar equipment will continue to limit capabilities for identifying airborne drug smugglers through radar surveillance.

We found that Customs has been able to respond to most radar detections of suspected airborne drug smugglers. However, many aircraft that radars indicate are suspicious are later found not to be involved in drug smuggling.

Detecting and apprehending airborne drug smugglers is difficult because the overwhelming majority of aircraft traffic enters the United States legally and only a very small number of private aircraft flights are necessary to smuggle large amounts of cocaine into the United States. Our analysis of Customs data on air interdiction operations indicates that about 10 percent of air interdiction missions result in a seizure.

Air interdiction programs are aimed primarily at only one aspect of the drug smuggling threat to the United States--private aircraft carrying illegal drugs. Smugglers also get drugs into the United States through the use of commercial aircraft, cargo containers, private and commercial vessels and vehicles, and/or pedestrians. The federal government has separate interdiction programs designed to counter each of these smuggling threats. In fiscal year 1989, $204 million was authorized for air interdiction, about 13 percent of the entire drug interdiction budget. In fiscal year 1987, the proportion of total drug interdiction spending on air interdiction programs was even greater (about 42 percent), due to appropriations for large equipment acquisitions such as aerostats.

EPIC intelligence estimates and statements by drug interdiction agency officials indicate that drug smugglers are making increased use of conveyances other than private aircraft. Whether this trend can be attributed to the buildup of the air interdiction system is unclear. However, the trend does suggest that the administration should consider the impact of any changes to air interdiction programs on other interdiction programs.

In our recent report to the new administration and Congress on the major policy, management, and program issues involving the Department of Justice, we said it is time to consider assigning more resources to activities aimed at reducing the demand for drugs. These include treatment, prevention, education, and research on the causes and extent of drug abuse. This does not mean that efforts to reduce the supply of drugs, such as air interdiction, should be reduced. However, further emphasis on such supply reduction programs will probably not solve the drug problem in this country.

MATTERS FOR CONGRESSIONAL CONSIDERATION

Decisions about providing funds for additional air interdiction efforts should not be made without considering whether these funds could be put to more effective use on some other aspect of the Nation's war on drugs. We are not convinced that spending more on air interdiction is the best use for additional funds. There are insufficient data, however, to draw a definitive conclusion as to how funds can best be spent fighting the war on drugs. Accordingly, the appropriate congressional committees may want to pursue the issue further with key administration officials before deciding on specific authorization and appropriation levels for all aspects of the war on drugs.

AGENCY COMMENTS

We discussed the facts contained in this report with Customs Service, Coast Guard and DOD officials who generally agreed with the facts as presented. Customs Service said that our report inferred that the air interdiction effort was not cost effective. Customs noted that, according to a consultant's study done for them, every dollar spent on intercepting drug shipments before they entered the country resulted in the seizure of $7.05 worth of cocaine and marijuana. We do not believe that the value of drugs seized by itself is an accurate measure of the success of drug law enforcement programs. A primary measure, for example, should be the availability of illegal drugs in the country.

Although the cost effectiveness of air interdiction programs cannot be established due to insufficient data, we believe that sufficient data are available to raise questions as to the amount of funds that should be spent on such programs in relation to other drug control efforts.

MAJOR CONTRIBUTORS TO THIS REPORT

GENERAL GOVERNMENT DIVISION, WASHINGTON, D.C.

John L. Vialet, Assistant Director
Edward J. Laughlin, Evaluator-in-Charge
Donald E. Jack, Evaluator
Kelsey Maynard, Evaluator

NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, WASHINGTON, D.C.

George A. Sousa, Assistant Director
Richard S. Felner, Engineer

LOS ANGELES REGIONAL OFFICE

Dorian R. Dunbar, Site Senior
Shawnalynn R. Smith, Evaluator

(186725)

21-343 (224)